



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Consideration of reports submitted by States parties under  
article 35 of the Convention**

**Initial reports of States parties due in 2012**

**Ukraine\***

[12 April 2012]


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## I. Core document

1. Ukraine is a State of Central and Eastern Europe. The south-western section of the East European Plain and parts of the Carpathian and Crimean mountains all fall within its borders. Ukraine is 893 km long from north to south, and 1,316 km wide from west to east. Its territory covers 603,700 km<sup>2</sup>, or 5.7 per cent of the land area of Europe (0.44 per cent of the land area of the world). The national capital is Kyiv. Ukraine permits only single citizenship. The State language of Ukraine is Ukrainian. Ukraine guarantees the free development, use and protection of Russian and other languages of the ethnic minorities in Ukraine. The predominant religion in Ukraine is Christianity: the Catholic, Orthodox and Protestant denominations are represented. Judaism and Islam are represented, but to a significantly lesser degree.
2. Ukraine was established as an independent State on 24 August 1991 through the adoption of the Declaration of Independence Act signalling its withdrawal from the Soviet Union.
3. Ukraine has both land and maritime borders; they are 7,590 km long in total. The country's land border is 5,631 km long, divided into western, northern and eastern sections. The maritime border is 1,959 km long. Ukraine shares land borders with the Russian Federation (2,063 km), the Republic of Belarus (975 km), the Republic of Poland (542.5 km), the Slovak Republic (98 km), Hungary (135 km), Romania (608 km) and the Republic of Moldova (1,194 km). Access to the countries of Central and Western Europe is afforded by a 2,590 km section of the border.
4. Ukraine has a temperate climate, with access to the Black Sea and the Sea of Azov. The geopolitical situation on the border between the peoples of West and East and their respective cultures has had a significant effect on the country's history, as well as on its development in modern times.
5. The country's administrative and territorial structure comprises the Autonomous Republic of Crimea, provinces, districts, cities, city districts, settlements and villages. Ukraine is composed of: the Autonomous Republic of Crimea, the provinces of Vinnytsya, Volynka, Dnipropetrovsk, Donetsk, Zhytomyr, Zakarpattia, Zaporizhzhya, Ivano-Frankivsk, Kyiv, Kirovohrad, Luhansk, Lviv, Mykolayiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Kherson, Khmelnytsky, Cherkasy, Chernivtsi and Chernihiv and the cities of Kyiv and Sevastopol. The cities of Kyiv and Sevastopol have special status under Ukrainian law. As at 1 January 2011, Ukraine had 490 districts, 459 cities, 885 towns and 28,457 villages.
6. The territorial administration of Ukraine is based on the principles of the unity and integrity of the territory of the State; a combination of centralized and decentralized State power; and a balanced model of socioeconomic development of the regions that takes into account their historical, economic, ecological, geographical and demographic characteristics, as well as their ethnic and cultural traditions.
7. Ukraine is a sovereign, independent, democratic and social State based on the rule of law. It is a unitary State. In terms of its form of government, Ukraine is a presidential parliamentary republic.

8. In Ukraine, the individual and his or her life, health, honour, dignity, inviolability and security are recognized as the highest social value. Human rights and freedoms and guarantees of those rights and freedoms determine the nature and purpose of the State's actions. The State is answerable to the citizen for its actions. The principal duty of the State is to affirm and safeguard human rights and freedoms.

9. The Constitution guarantees the following human and civil rights and freedoms: free development of one's personality; equality; citizenship; life; respect for dignity; liberty and security of person; inviolability of one's home; privacy of correspondence, telephone conversations and telegraphic and other communications; the right to private and family life; freedom of movement, free choice of one's place of residence and the right freely to leave the territory of Ukraine; freedom of thought and speech, and the free expression of one's views and beliefs; freedom of world view and religion; freedom of association with political parties and civil society organizations; the right to take part in the conduct of public affairs and in national and local referendums, to vote freely and to be elected to State and local government authorities; the right to assemble peacefully without arms, and to hold meetings, rallies, processions and demonstrations; the right to file individual or collective petitions or personally appeal to State or local government authorities or the officials or employees of those authorities; the right to own, use and manage one's property and the results of one's intellectual and creative activity; the right to undertake entrepreneurial activities; the right to employment; the right to strike; the right to rest; the right to social security; the right to housing; the right to a standard of living sufficient for oneself and one's family; the right to health care, medical care and medical insurance; the right to an environment that poses no danger to life or health, and to compensation for damage caused by the violation of that right; the right to marriage; the right to education; freedom to engage in producing literary, artistic and scientific works and the protection of intellectual property and copyright; protection of one's rights; the right to compensation at the expense of the State or local government authorities for material or moral injury caused by unlawful decisions, actions or omissions on the part of such authorities or their officials or employees in the performance of their duties; the right to know one's rights and responsibilities; and the right to legal assistance.

10. Ukraine recognizes and applies the principle of the rule of law. The Constitution is sovereign. Acts and other laws and regulations are adopted on the basis of the Constitution and must be compatible with it.

11. The political system of modern-day Ukraine is currently undergoing a transition characterized by democratic reform, and steps to overcome the legacy of totalitarianism in the political, socioeconomic, spiritual and ideological spheres. In accordance with the Constitution, democratic political institutions and manifestations of political power have evolved.

12. Under the Constitution, the President is the Head of State and acts on the State's behalf. He is the guarantor of State sovereignty, territorial integrity, respect for the Constitution and human and civil rights and freedoms. The same person may not serve as President for more than two consecutive terms of office.

13. The current President of Ukraine, Victor Fedorovich Yanukovich, has been in office since 2010.

14. In Ukraine, State authority is exercised according to the principle of the separation of legislative, executive and judicial power.

15. The sole legislative body in Ukraine is the parliament of Ukraine, the Verkhovna Rada. Under the Constitution, the Verkhovna Rada is composed of 450 national deputies elected on the basis of universal, equal and direct suffrage, by secret ballot, for five-year terms of office. Two hundred and twenty-five deputies are elected in single-member constituencies according to a majoritarian system, on the basis of a relative majority. The remaining 225 are elected as deputies on the basis of lists of candidates drawn up by the political parties, from within State-wide, multi-member constituencies, though a proportional system of election. The national deputies may voluntarily join a grouping (caucus), provided that each grouping is composed of no fewer than 15 deputies. There are 185 registered political parties in Ukraine. More than 80 per cent of citizens are eligible to vote in elections. In line with the results of the elections held in 2007, five political parties are currently represented in the Verkhovna Rada: the Party of the Regions (175 seats), the Yulia Tymoshenko Bloc (156 seats), the Our Ukraine — People's Self-Defence Bloc (72 seats), the Communist Party (27 seats) and the Lytvyn Bloc (20 seats). Eight per cent of the 450 deputies (36 members) are women.

16. The highest body within the executive branch of government is the Cabinet of Ministers (Government). The Government is accountable to the President and is overseen by and answerable to the Verkhovna Rada. The President appoints the Prime Minister with the consent of the Verkhovna Rada and may strip the Prime Minister of his or her powers or dismiss him or her. On the advice of the Prime Minister, the President appoints the members of the Cabinet of Ministers and the heads of other central executive bodies. Oversight of the Government and its accountability to the Verkhovna Rada are ensured through the latter's monitoring of implementation of the State budget; the adoption of decisions governing reporting on such implementation; the review and adoption of decisions concerning approval of the Government's programme of action; and oversight of the Government's work.

17. Justice in Ukraine is administered exclusively by the courts. Delegation of the functions of the courts, or appropriation of those functions by other bodies or officials, is not permitted. The jurisdiction of the courts extends to all legal relations that arise in the State. Judicial proceedings are conducted by the Constitutional Court of Ukraine and courts of general jurisdiction. The system of courts of general jurisdiction is based on the principles of territoriality and speciality. The highest judicial body in the general-jurisdiction court system is the Supreme Court of Ukraine. The highest judicial bodies of the specialized courts are the corresponding high courts. The law also provides for appeal courts and local courts. The establishment of extraordinary or special courts is prohibited. In Ukraine there are 666 general local courts, 27 appeal courts, the High Specialized Court of Ukraine for Civil and Criminal Cases, 27 local economic courts, eight economic courts of appeal, the Higher Economic Court of Ukraine, 27 area administrative courts, nine administrative appeal courts and the Supreme Administrative Court of Ukraine.

18. As at 1 January 2011, the population of Ukraine was 45.8 million, of which 24.7 million were women and 21.1 million were men. Approximately two thirds of

the population (68.7 per cent) lived in urban areas. The average population density was 75.8 persons per square kilometre. In 2010, natural population increase (per 1,000 persons) was negative (-4.4 persons), which is consistent with the trend of the past decade.

19. Average life expectancy in Ukraine is 70.4 years (65.3 for men and 75.5 for women).

20. The birth rate for the country as a whole is 1.4 (varying from 1.2 to 1.9 among the regions).

21. In 2010, the infant mortality rate per 1,000 live births stood at 9.1. In the same year, 141 women died of childbirth-related causes. Also in the same year, more than 140,000 abortions were performed in Ukraine, which equates to approximately 28 per cent of the total number of live births (498,000).

22. The demographic situation nationwide is becoming more complex, as the proportion of the population accounted for by children (under 15 years of age) has decreased to 15.3 per cent, while the percentage of persons above working age (60 years) has increased to 24.7 per cent. This foreshadows the ageing of the population: persons of working age (between 15 and 60 years of age) account for 60 per cent of the population, with a structural shift towards those who are older.

23. A distinctive feature of the population of Ukraine is its multi-ethnicity. More than 130 nationalities and ethnicities are represented. Among them, two Slavic groups are the most numerous — Ukrainians and Russians (77.8 per cent and 17.3 per cent of the total population, respectively).

24. Ukraine is a country with a developed scientific and industrial base, which includes such industries as mechanical engineering; iron, steel and non-ferrous metal production; shipbuilding; the manufacture of buses, light and cargo vehicles, tractors, other agricultural vehicles and equipment, locomotives, machine tools, turbines, aircraft and aircraft engines and power plant equipment; and oil, gas and chemical production. Ukraine is a major producer of electricity.

25. The country's gross national income for 2010 was \$133.75 billion. Gross domestic product (GDP) based on effective prices during that period was \$135 billion. GDP in 2010 increased to 4.1 per cent, while per capita income was \$2,312.5. The consumer price index for 2010 was 109.4 per cent.

26. At the beginning of 2011, public debt reached \$40.6 billion, of which \$22.8 billion was external debt while \$17.6 billion was internal.

27. In 2010, public spending on social protection and social security for the population amounted to \$13.0625 billion, or 27.6 per cent of the combined (local- and State-level) budget of Ukraine (9.6 per cent of GDP).

28. In light of the specific characteristics of the climate and soil types of Ukraine, the agro-industrial sector is particularly significant for the country, determining to a large extent its socioeconomic development, living standards, the public availability of foodstuffs and the supply of agricultural raw materials to industry.

29. The average size of a household in Ukraine is 2.59 persons. In every fifth household with children, either one or both parents are absent. Of those, a large majority (94 per cent) are households in which the children do not have a father.

30. In the average household, food accounts for 53.8 per cent of consumer expenditure, housing 10.7 per cent, health services 3.6 per cent and education 1.6 per cent. Per capita incomes are below the subsistence level in 24.3 per cent of households. For Ukraine, the Gini coefficient ranges between 0.25 for households in rural areas and 0.27 for those in urban areas.

31. In 2010, 63.7 per cent of the population between 15 and 70 years of age were economically active. Unemployment in that section of the population fell to 8.1 per cent in the same year.

32. In the education sector, there are eight students per teacher on average (10 in urban areas and six in rural areas). The number of students in day schools is equivalent to 9.2 per cent of the total population, or 79.8 per cent of the population between 6 and 17 years of age.

33. As at 1 November 2011, a total of 110,000 persons nationwide had been identified as HIV-infected, including 14,000 persons with AIDS.

34. The number of law enforcement officials (police and security services) is approximately 700 to every 100,000 members of the population, and that of judges 19 to 100,000.

35. Following the ratification by Ukraine in 2000 of Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty, Ukraine no longer imposes that penalty. In Ukraine the average length of pretrial detention is 25 to 30 days. In exceptional cases, it can last up to six months.

36. In 2010, more than 19,000 offences against life and health were recorded (41.4 for every 100,000 members of the population). In the same year, law enforcement agencies investigated more than 115,000 serious or especially serious offences (250 investigations for every 100,000 members of the population); 40.4 per cent of those crimes remained unsolved. According to data for 2010, a total of 1,348 cases of sexual violence were recorded.

37. As part of its implementation of international human rights standards, Ukraine has ratified the following international instruments:

- The International Covenant on Economic, Social and Cultural Rights;
- The International Covenant on Civil and Political Rights;
- The International Convention on the Elimination of All Forms of Racial Discrimination;
- The Convention on the Elimination of All Forms of Discrimination against Women;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The Convention on the Rights of the Child;
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;



- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
- The Optional Protocol to the International Covenant on Civil and Political Rights;
- The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The Convention on the Prevention and Punishment of the Crime of Genocide;
- The Slavery Convention;
- The United Nations Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

## II. Common document

### Introduction

38. Under article 1 of the Constitution, Ukraine is a sovereign, independent, democratic and social State based on the rule of law.

39. The Convention on the Rights of Persons with Disabilities (hereinafter: “the Convention”) and its Optional Protocol were ratified by Ukraine on 16 December 2009 and came into force on 6 March 2010.

40. In Ukraine, of a total permanent population of 45,598,000, the number of persons with disabilities as at 1 January 2011 was 2,709,982, of whom 310,494 belonged to group I; 1,078,721 to group II; and 1,155,646 to group III; 165,121 were children with disabilities. Thus, the number of persons with disabilities represents nearly 6 per cent of the total population.

41. Persons of working age with disabilities accounted for 53 per cent of the total number of persons in that category, or 6.5 per cent of the economically active population. The number of persons of working age with disabilities who were employed as at 1 October 2011 was 662,559, i.e. every second person of working age with a disability was employed (25 per cent of the total number of persons with disabilities).

42. Public policy on ensuring the rights of persons with disabilities is based on the Constitution, Ukrainian legislation, international treaties recognized by the Verkhovna Rada as binding and other regulatory instruments. The challenges encountered by persons with disabilities are identified and addressed through targeted programmes aimed at providing such persons with the same opportunities

as those available to other citizens to exercise the rights and freedoms guaranteed by the State.

43. The national legislative framework for ensuring the rights of persons with disabilities comprises the following:

(a) The Constitution;

(b) Codified legislative instruments: the Labour Code of Ukraine, the Housing Code of Ukraine, the Family Code of the Ukrainian Soviet Socialist Republic, the Civil Code of Ukraine and others;

(c) Ukrainian legislation (Act on the Framework for Social Protection of Persons with Disabilities in Ukraine; Act on the Rehabilitation of Persons with Disabilities in Ukraine; Compulsory State Pension Insurance Act; Act on State Social Assistance for Persons with Disabilities since Childhood and Children with Disabilities; Act on State Social Assistance for Persons who do not have the Right to a Pension, and for Persons with Disabilities; the Social Services Act);

(d) Decisions and other instruments of the Verkhovna Rada (Decision No. 291-XIV of the Verkhovna Rada on Measures to Improve Social Protection for Persons with Disabilities, of 3 December 1998);

(e) Decrees and orders of the President of Ukraine (Presidential Decree No. 588/2011 of 19 May 2011 on measures to address problems currently encountered by persons with physical disabilities);

(f) Decisions and orders of the Cabinet of Ministers of Ukraine (Decisions of the Cabinet of Ministers No. 716 of 12 May 2007 approving the State Programme to Develop a System for the Rehabilitation and Employment of Persons with Physical Disabilities, Mental Illness and Intellectual Disabilities for the Period up to 2011; No. 784 of 29 July 2009 approving the "Ukraine without Barriers" Plan of Action to Create a Barrier-Free Living Environment for Persons with Physical Disabilities and Other Groups with Limited Mobility for the Period 2009-2015; and No. 872 of 15 August 2011 approving the Organizational Framework for Inclusive Education in General Education Schools);

(g) Other laws and regulations.

44. The core functions of the Cabinet of Ministers, as the highest body of the executive, are defined in article 116 of the Constitution. In accordance with the Cabinet of Ministers of Ukraine Act, the Government ensures the development and implementation of State social assistance programmes and takes measures to strengthen the resource base of the bodies responsible for the social protection of persons with disabilities, pensioners and other groups that are unable to work or have a low income.

45. Within the bounds of its competence, the Cabinet of Ministers issues binding decisions and orders.

46. Responsibility for ensuring the rights of persons with disabilities and their social protection also rests with the central and local executive authorities and local government bodies.

47. Responsibility for the formulation and implementation of State policy relating to social protection of the population, including persons with disabilities, is assigned to the Ministry of Social Policy.

48. It is the responsibility of the State Service for Persons with Disabilities and for War Veterans to coordinate actions to implement the Convention and draft a report on relevant work carried out in Ukraine.

49. With a view to bringing national legislation into line with the provisions of the Convention, the Verkhovna Rada adopted Act No. 4213 Amending Certain Acts of Ukraine on the Rights of Persons with Disabilities, of 22 December 2011.

50. Through its Order No. 245 (r) of 30 March 2011, the Government adopted a policy framework for the National Action Plan to Implement the Convention on the Rights of Persons with Disabilities and Develop a System of Rehabilitation for Persons with Disabilities for the period up to 2020. Final approval of the national action plan is expected in the first half of 2012, following negotiation of the draft plan with all Government authorities.

### **Article 1 — Purpose**

51. The purpose of the Convention — that is, the promotion, protection and provision of the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, as well as the promotion of respect for their inherent dignity — is being achieved in Ukraine through the establishment of legal, economic, political, social, psychological and other conditions facilitating the participation in public life of persons with disabilities on an equal basis with other citizens.

52. Such conditions are being created in the light of international treaties recognized by the Verkhovna Rada as binding through the adoption and implementation of regulatory instruments, targeted programmes and organizational and other activities.

53. Under article 4 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine, the State is required to adopt measures to identify and remove obstacles and barriers that prevent the exercise by persons with disabilities of their rights and the fulfilment of their needs, including with respect to access to public places and civilian facilities, public services and amenities, transport infrastructure and roadside services, transportation and information and communications, taking into account individual capacities, abilities and interests in terms of education, employment, culture, physical exercise and sport, and to support the social activities of such persons.

### **Article 2 — Definitions**

54. Under article 2 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine and article 1 of the Act on the Rehabilitation of Persons with Disabilities in Ukraine, the term “person with disabilities” is defined as a person with persistent impairment of body function which, in interaction with the external environment, can result in the limitation of their everyday activities, and as a result of which the State is required both to create the conditions necessary to

enable such persons to exercise their rights on an equal basis with other citizens and also to ensure their social protection.

55. Before the adoption of Act No. 4213 of 22 December 2011, the term “person with disabilities” was defined as a person with persistent impairment of body function resulting from illness, injury or congenital defects that lead to limitation of everyday activities and the need for social assistance and protection.

56. In accordance with article 2 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine, the terms “discrimination on the basis of disability”, “reasonable accommodation” and “universal design” are used in the same sense as that set out in the Convention on the Rights of Persons with Disabilities. Those provisions were implemented through Act No. 4213 of 22 December 2011.

57. Under article 19 of the International Treaties Act, international treaties currently in force in Ukraine and recognized by the Verkhovna Rada as binding are part of national legislation and are applied as such.

### **Article 3 — General principles**

58. Under article 8 of the Constitution, Ukraine recognizes and applies the principle of the rule of law. The Constitution is sovereign. Acts and other laws and regulations are adopted on the basis of the Constitution and must be compatible with it. The provisions of the Constitution are directly applicable. Recourse to courts of law for the purpose of protecting constitutional human and civil rights and freedoms directly on the basis of the Constitution is guaranteed.

59. Under article 23 of the Constitution, every person has the right to free development of their personality if the rights and freedoms of other persons are not violated thereby. Every person has duties to society, in which the free and comprehensive development of their personality is ensured.

60. Every person has the right to control his or her own life and to be free to choose their actions, except where those actions or non-action pose a threat to others and incur legal liability. Accordingly, in Ukraine, persons with disabilities have the same opportunities as other citizens to make rational choices in their lives, are subject to minimum interference in their private lives and are able to make decisions, with appropriate support where required.

61. Under article 21 of the Constitution, every person is free and equal in their dignity and rights, and human rights and freedoms are inalienable and inviolable. Similarly, article 24 of the Constitution proclaims the equality of citizens’ constitutional rights and freedoms, as well as their equality before the law. There can be no privileges or restrictions on any grounds.

62. Under article 2 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine, discrimination on the basis of disability is prohibited.

63. The equality of the rights of women and men is guaranteed by the Constitution and other national laws and regulations.

64. Article 28 of the Constitution guarantees each person’s right to respect for their dignity. No one may be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

65. Under article 38 of the Constitution, citizens have the right to participate in the conduct of public affairs, both as individuals and through civil society organizations.

66. In Ukraine, civil society organizations for persons with disabilities are partners of the State in formulating and implementing public policy related to persons with disabilities, and in ensuring the rights of those persons. They cooperate with the administration of the President of Ukraine, the Verkhovna Rada, ministries and other central and local executive bodies and participate in the work of the Cabinet of Ministers Council for Persons with Disabilities and in the work of public councils attached to the executive authorities at various levels. Draft regulatory instruments on relevant issues are negotiated with those organizations.

67. Under article 51 of the Constitution, the State has an obligation to protect the family, childhood, motherhood and fatherhood. Public policy with regard to children, including children with disabilities, consists of enhancing their social and legal guarantees, ensuring the physical, intellectual and cultural development of the young generation and establishing socioeconomic and legal institutions with the aim of protecting the rights and legitimate interests of the child in Ukraine. All children have equal rights and opportunities.

68. Ukraine recognizes the right of every person, regardless of their personal characteristics and capabilities, including persons with disabilities, to have the opportunity to access, use and understand the surrounding environment both on an equal basis with and independently of others. Accordingly, its legislation provides for — and action is taken to implement — measures to ensure that persons with disabilities have access to, inter alia, facilities, information and technology, thus helping to create the conditions allowing such persons to participate actively and independently in public life.

#### **Article 4 — General obligations**

69. The State guarantees equal opportunities for persons with disabilities and all other citizens to participate in the economic, political and social spheres of public life. It also guarantees the establishment of the conditions necessary to enable persons with disabilities to effectively exercise their human and civil rights and freedoms and lead a full life according to their individual capacities, abilities and interests. In this regard, legislation is being improved and policy frameworks, as well as strategy and policy documents, are being adopted; respect for the rights of persons with disabilities is also monitored.

70. Under article 4 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine, as amended by Act No. 4213 of 22 December 2011, the State has the following obligations with respect to persons with disabilities: to identify and remove obstacles and barriers that inhibit their enjoyment of their rights and the satisfaction of their needs, including in terms of access to facilities, transportation, information and communications and, taking into account their individual capacities, abilities and interests, access to education, employment, culture, physical exercise and sport, health care and social protection; to provide adapted accommodation; and to facilitate their participation in public life.

71. The same article establishes the obligation, in the development of standards, social guarantees, rules of established practice and technical conditions and in the

conduct of research and development activities, to take into account the needs of persons with disabilities and to apply the principles of reasonable accommodation and universal design.

72. Under articles 22 and 68 of the Constitution, constitutional rights and freedoms are guaranteed and cannot be abolished; when new acts are adopted or existing acts amended, no limitation in the content or scope of existing rights and freedoms is permitted; every person is obliged to rigorously observe the Constitution and the laws of Ukraine and not to infringe the rights, freedoms, honour and dignity of others.

73. Those employed in public service who, as part of their duties, come into contact with persons with disabilities are taught about the general rules governing work with those persons through professional development courses.

74. Cabinet of Ministers Decision No. 1146 of 9 November 2011 on Measures Related to Meeting the Needs of Persons with Disabilities, Particularly in the Preparation and Conduct of the Final Phase of the 2012 European Football Championship in Ukraine, tasked the Ministry of Education and Science, Youth and Sports with developing and approving an ethical framework for interacting with persons with disabilities, a procedure for providing mobility assistance to such persons and other sections of the population with limited mobility and a list of sign language signs recommended as compulsory learning for all stewards, volunteers, employees in the service and transport sectors, health professionals and law enforcement officials.

75. With the aim of improving the quality of service provision to persons with disabilities, that Decision provided for a number of amendments to: (a) the programme for training and professional development of specialists whose activities relate to road transport passenger services; (b) the terms of use for metro systems; (c) provisions regarding educational institutions and their halls of residence and departments; (d) licensing conditions governing business activities related to medical practice; and (e) provisions regarding health-care facilities.

76. In accordance with Presidential Decree No. 503/97 of 10 June 1997 on the Procedure for the Official Promulgation of Laws and Regulations and their Entry into Force, acts and other legal instruments of the Verkhovna Rada, as well as instruments issued by the President or the Cabinet of Ministers, must be promulgated in the State language in official publications no later than 15 days after their adoption in accordance with established procedure and their signature.

77. In certain cases, instruments issued by the Verkhovna Rada, the President or the Cabinet of Ministers may be formally promulgated via television and radio.

78. In order to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities, without any form of discrimination based on disability, a system of designated authorities, agencies and organizations is in place. Measures to ensure the rights of persons with disabilities are implemented by the President, the Verkhovna Rada, the Cabinet of Ministers, central and local executive authorities and enterprises and organizations established by them.

**Article 5 — Equality and non-discrimination**

79. Under article 21 of the Constitution, every person is free and equal in their dignity and rights. Human rights and freedoms are inalienable and inviolable. Under article 24 of the Constitution, citizens have equal constitutional rights and freedoms and are equal before the law. There should be no privileges or restrictions based on race, colour of skin, political, religious or other convictions, gender, ethnic or social origin, financial status, place of residence, linguistic or other characteristics.

80. The policy of Ukraine regarding persons with disabilities is developed and implemented in accordance with the rule of law. Strict compliance with relevant acts and other legal regulations is a requirement for all State bodies, officials and other persons, and all citizens are regarded as equal before the law and the courts; as a result, legal liability is incurred by any person who breaches those laws and regulations.

81. Under articles 2 and 42 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine, discrimination on the basis of disability is prohibited. Persons guilty of violating the rights of persons with disabilities are liable under the law to disciplinary or administrative action or criminal prosecution.

82. To date, Ukraine has ratified all basic international conventions on the protection of human rights and the rights of women and children and has adopted a number of laws on protecting women's rights and affirming gender equality, including provisions to combat domestic violence. It has also approved a plan of action for the national campaign "Stop violence!" for the period up to 2015, and is working on establishing and increasing liability for discrimination-related offences.

83. In line with the national plan of action to implement the European Union Action Plan on Visa Liberalization for Ukraine, approved by Presidential Decree No. 494/2011 of 22 April 2011, the Ministry of Justice has drafted a presidential decree on a strategy to combat discrimination in Ukraine in fulfilment of the rights and freedoms of the individual. The draft decree has been approved by the Government.

**Article 6 — Women with disabilities**

84. Under article 24 of the Constitution, equality of rights between women and men is assured by providing women with the same opportunities as men with respect to social, political and cultural activities, education and vocational training and employment and remuneration; implementing special measures to protect women's work and health and providing pension benefits; creating conditions that enable women to combine work with motherhood; providing legal protection and financial and moral support for mothers and children, including paid leave and other benefits for pregnant women and mothers.

85. Article 43 of the Constitution prohibits the employment of women in work that is hazardous to their health.

86. The Labour Code prohibits the involvement of women in: strenuous work and work in harmful or dangerous conditions; the lifting or movement of articles whose weight exceeds established limits; night work, except in those economic sectors where there is a special need for such work and where the work is authorized as a temporary measure; night work, overtime or work during public holidays; in the

case of women who are pregnant or have children under three years of age, work-related travel; in the case of women with children between 3 and 14 years of age or disabled children, overtime or work-related travel that the woman has not consented to undertake. At the request of a pregnant woman, a woman with a child under 14 years of age or a child with disabilities, or a woman with a doctor's certificate confirming that she is caring for a sick family member, employers are required to establish a part-time working day or a part-time working week.

87. In order to achieve parity between women and men in all areas of social life, to eliminate gender-based discrimination and to introduce special temporary measures to correct the imbalance between the opportunities available to women and men to realize the equal rights that the Constitution accords them, the Verkhovna Rada adopted Act No. 2866-IV of 8 September 2005 on Equal Rights and Opportunities for Women and Men.

88. The Trafficking in Persons Act (No. 3739-VI of 20 September 2011) defines the organizational and legal principles governing the combating of trafficking in persons, the guarantees of gender equality, the main areas of focus of State policy, the principles of international cooperation in combating such trafficking, the powers of the executive authorities, the procedure for establishing the status of trafficking victims and the procedure for providing assistance to such victims.

89. As part of its international cooperation activities, Ukraine has ratified the following instruments related to the protection of women's rights: the Council of Europe Convention on Action against Trafficking in Human Beings; the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the European Social Charter (revised); the International Covenant on Civil and Political Rights; the Millennium Development Goals (Ukraine — 2010); and the following International Labour Organization conventions: the Convention concerning the Employment of Women before and after Childbirth (Maternity Protection Convention, 1919 (No. 3)); the Convention concerning Employment of Women during the Night (Revised) (Night Work (Women) Convention (Revised), 1934 (No. 41)); the Equal Remuneration Convention, 1951 (No. 100); the Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (Workers with Family Responsibilities Convention, 1981 (No. 156)); and others.

90. As at 1 January 2012, a total of 303,900 women with disabilities were employed and working: 8,500 in group I, 89,100 in group II and 206,200 in group III.

#### **Article 7 — Children with disabilities**

91. Under article 52 of the Constitution, children are equal in their rights, regardless of their origin. Any violence against a child, or their exploitation, must be prosecuted under the law.

92. The Protection of Children Act defines the protection of children in Ukraine as a strategic priority nationwide, with the aim of ensuring the realization of the child's rights to life, health care, education, social protection and comprehensive



development. The Act establishes the basic principles of relevant State policy and prohibits discrimination against children with disabilities and children whose mental or physical development is impaired.

93. The State focuses all its efforts on the implementation of child protection measures, which include defining the basic legal, economic, organizational, cultural and social framework for child welfare; improving legislation on the legal and social protection of children and bringing it into line with relevant international legal provisions; and ensuring the conditions necessary for the protection of children's health, education and upbringing, their physical, mental, social, spiritual and intellectual development, their socio-psychological adaptation and active participation in daily life and their development in a family setting and in an environment of peace, dignity, mutual respect, freedom and equality. State policy is aimed at carrying out targeted programmes to protect children and provide them with advantages, privileges and social guarantees with respect to upbringing, education and preparation for employment; at promoting research on current childhood-related issues; and at establishing the liability of legal entities and individuals (whether officials or citizens) for violation of the rights of or harm caused to children.

94. In line with the provisions of national legislation, children, including those with disabilities, have legal capacity from birth. A child with disabilities up to the age of 14 (a child of tender years) has partial dispositive capacity and has the right to independently carry out minor household-related transactions (which meet his or her day-to-day needs, are appropriate to his or her physical, spiritual or social development and relate to objects of low value); such children also have moral rights to the results of their intellectual activity as protected by law.

95. Children of tender years are not liable for harm that they cause. Between the ages of 14 and 18, a child (a minor) with disabilities, in addition to the above-mentioned rights, has the right to independently dispose of their earnings, educational grants or other income; independently exercise their rights with respect to the results of their intellectual activity as protected by law; be a member of (or establish) a legal entity, provided that such a role is not prohibited by law or by the articles of association of that legal entity; and independently sign a contract to open a bank account and dispose of the funds deposited there in their name (funds in the account). Minors may carry out other transactions with the consent of their parents (or adoptive parents) or tutors; they may also dispose of funds deposited entirely or partly by others in their name in a financial institution, with the consent of an agency of tutorship or guardianship, parent (or adoptive parent) or guardian.

96. Disabled children and children whose mental or physical development is impaired are provided with cost-free and specialized medical, disability-specific and psychological assistance, including prostheses, in appropriate State and community health-care establishments, and are given the opportunity to receive basic, vocational and higher education, including at home. They are also guaranteed cost-free, individualized remedial care for their disability.

97. In order to establish conditions enabling unimpeded access for children with disabilities and children whose physical development is impaired to buildings and other facilities, appropriate regulatory requirements have been established with respect to the planning and construction of population centres, the development of

residential areas, the development of design solutions and the construction and reconstruction of houses, buildings and complexes, as well as public transport facilities and vehicles.

98. Children with disabilities, of whom there are more than 165,000, have the right to cost-free materials and supplies, social services and health care (including access to sanatoriums), medicines and rehabilitation equipment and facilities. Between 2008 and 2010, approximately 70,000 children with disabilities were successfully treated.

99. Children with locomotor system impairments who are at least 5 years of age are provided with a mobility vehicle at low cost, provided that they have undergone a medical and social assessment confirming their entitlement to use such a vehicle (with manual controls if necessary). One of the adult family members (or close relatives) of the child is granted a licence to drive the vehicle.

100. When they reach the age of majority, children with disabilities are provided with accommodation according to the procedure established by law if they are orphans or if they are deprived of parental care and live with guardians or foster families, in family-type children's homes or in State-run or community childcare establishments.

101. Under article 27 (1) of the Code of Civil Procedure, minors have the following procedural rights during court proceedings: to consult material relating to the case; to copy extracts of that material; to make copies of documents relating to the case; to receive copies of the court's decisions and findings, as well as to participate in its proceedings; to submit evidence; to participate in the examination of evidence; to question other persons involved in the case, as well as witnesses, experts and specialists; to file petitions and raise objections; to provide oral and written statements to the court; to present their arguments and observations on issues arising during the trial, as well as their objections to the petitions, arguments and observations of others; to avail themselves of legal assistance; to have access to the court's record of proceedings; to make copies of that record and provide written comments about its accuracy or completeness; to listen to a recording of the court's sessions by electronic means, make copies and submit written comments about its accuracy or completeness; to appeal against decisions and findings of the court; to express their opinion and receive assistance in expressing such opinions, whether directly or through a representative or legal representative; to receive information about the court proceedings through a representative or legal representative; and to exercise other procedural rights.

102. Courts contribute to creating the appropriate conditions for a minor to exercise his or her rights as defined by law and provided for in the Convention, which the Verkhovna Rada has recognized as binding.

#### **Article 8 — Awareness-raising**

103. The State carries out awareness-raising work with the aim of fostering in society a positive image of persons with disabilities.

104. In order to enhance public understanding of legal issues, establish appropriate conditions enabling citizens to improve their legal knowledge and support their constitutional right to know their rights and responsibilities, the President approved

a national programme of legal education for the public, through Decree No. 992 of 18 October 2001. The programme focuses in particular on legal education activities for persons with disabilities, aimed not only at improving such persons' awareness of legal issues and the availability to them of relevant information, but also at ensuring that such persons understand that they enjoy the same rights as other members of society.

105. In order to encourage a tolerant attitude towards persons with disabilities and to ensure they are perceived as equal members of society in educational establishments (in preschools, general-education schools and vocational and higher education institutions), educational and awareness-raising events on relevant topics are held, with the participation of children and adults with disabilities.

106. Civil society organizations for persons with disabilities play a leading role in raising awareness: they conduct public information activities aimed at highlighting the potential of and contributions made by persons with disabilities, and promote positive perceptions of such persons, including through the media.

#### **Article 9 — Accessibility**

107. Under article 26 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine, as amended by Act No. 4213 of 22 December 2011, enterprises, institutions and organizations are responsible for creating the conditions necessary to provide persons with disabilities with unhindered access to the physical environment. Vehicle owners and manufacturers, producers and users of information (including print and broadcast media) and telecommunications operators and service providers must ensure service provision and product manufacture that take into account the needs of persons with disabilities. From 2013, facilities of the physical environment must display signs, in line with international practice, that indicate their accessibility to persons with disabilities, and information must be made additionally available in Braille, including the numbering of floors and offices.

108. Under article 27 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine, as amended by Act No. 4213 of 22 December 2011, it is prohibited to plan and construct population centres, establish residential districts or design, construct or reconstruct facilities of the physical environment without adapting them for use by persons with disabilities. Such activities must take into account the views of civil society organizations for persons with disabilities. If existing facilities cannot be fully adapted to the needs of persons with disabilities, reasonable accommodation must be provided in consultation with civil society organizations for persons with disabilities and on the basis of universal design. The costs of such activities are met either by the owners (asset holders) of the facilities or by the tenants, subject to the terms of lease.

109. In order to implement the State's policy of providing an environment in which persons with disabilities can live without barriers, a plan of action to create a barrier-free living environment for persons with physical disabilities and other groups with limited mobility for the period 2009-2015, entitled "Ukraine without Barriers", was approved through Cabinet of Ministers Decision No. 784 of 29 July 2009. As part of that plan, phased measures to ensure the accessibility of transport and postal services for persons with disabilities on an equal basis with others are

being implemented according to the financial means available to companies and funds allocated from the State budget for those purposes.

110. In order to implement urban planning reforms, the Regulation of Urban Planning Act (No. 3038-VI of 17 February 2011) was adopted. To implement that Act, the Ministry for Regional Development, Construction and Housing and Communal Services adopted Order No. 45 of 16 May 2011, approving the procedure for the preparation of project documentation for the construction of buildings, which establishes that such documentation must be prepared in such a way as to take account of the accessibility needs of persons with disabilities and other groups with limited mobility.

111. To address the challenges associated with the accessibility of the external environment for persons with disabilities, Ukraine has, to date: (a) adopted the Act amending Certain Legislative Acts on Increased Accountability and Improved State Regulation with Respect to Urban Planning Activities; (b) approved State standards which take into account the needs of persons with disabilities; and (c) continued work to improve standards in State-run construction activities.

112. In 2006, the Ministry of Construction, Architecture and Housing and the Ministry of Labour and Social Policy jointly adopted Order No. 300/339 of 8 September 2006 approving a model regulation regarding committees (local advisory bodies) responsible for ensuring accessibility, for persons with disabilities and other groups with limited mobility, to social, engineering and transport infrastructure facilities. To date, local government authorities in Ukraine have established and are administering several hundred such advisory bodies.

113. Article 28 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine provides that enterprises, organizations and individuals — business owners — who provide public transport services are required to ensure the availability of special equipment on vehicles and at railway stations, airports and other facilities, which affords persons with disabilities the unimpeded use of those services. In cases where existing vehicles cannot not be adapted for use by persons with disabilities, local government bodies provide alternative transport options. In the planning and construction of new modes of transport, the reconstruction and construction of airports, railway and bus stations and maritime and river ports, the possibility of their use by persons with disabilities must be considered.

114. In 2013, amendments to that article, as provided for in Act No. 4213 of 22 December 2011, are to come into force, establishing that all forms of public transport (rail, sea, river, road and air, as well as urban transport, including the metro), taking into account the needs of persons with disabilities, are required to make audio and visual announcements of the route number and stops on that route, and prohibiting the domestic production and import of public transport vehicles that are not adapted to use by persons with impairments to their sight, hearing or locomotor system.

115. Under article 38 (1) of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine, persons with disabilities are entitled to reduced fares when using public transport. All transport companies are required to provide their services to persons with disabilities at a reduced cost, regardless of their form of ownership and administration under the Transport Act.

116. Regulatory documents adopted at various levels establish the rules and procedures for the provision of public road, rail, air, tram and trolleybus transport services and set out specific provisions governing transport services for persons with disabilities. These documents are regularly revised.

117. In 2006, standards were approved for the production of buses used to transport persons with disabilities, and similar standards for tram and metro carriages were approved in 2011. Standards for traffic lights and road signs are in the final stages of preparation and approval.

118. During 2010 and 2011, several hundred low-floor buses and trolleybuses with equipment for transporting persons with physical disabilities, including a mechanical ramp for wheelchairs, were delivered to the regions.

119. Changes to the rules governing road passenger transport services, as approved by Cabinet of Ministers Decision No. 983 of 9 September 2009, established a number of requirements relating to the transport of, and provision of services to, persons with disabilities, according to which any person responsible for regular transport services must define the conditions of carriage, including equipping buses with audio and visual systems for the announcement of the stops on each route, the use of buses that are adapted for the carriage of persons with disabilities and the number of such buses.

120. Procedures have been developed for regulation of the operation of bus stations, as approved by Order No. 700 of 27 September 2010 of the Ministry of Transport and Communications, providing for the construction of ticket counters and public toilets in accordance with the needs of persons with disabilities, as well as the establishment at bus stations of services to assist those individuals and the announcement of those services over a public address system.

121. The railways in Ukraine are currently served by 19 passenger carriages adapted for the carriage of persons with disabilities. Each of those types of carriages is equipped with one passenger trolley, which allows the passenger with a disability to pass through the carriage. New rolling stock with seats for persons with disabilities is to be acquired by the end of 2012, financed by raised funds: 10 Hyundai interregional trains (two places per carriage) and two Skoda interregional double-decker trains (four places per carriage).

122. In airports, entrances and exits for wheelchair users are equipped with ramps. Doors are sufficiently wide. In order to establish appropriate conditions of access for persons with disabilities to aircraft at airports, special "Ambulift" equipment is used. In the near future, there are plans to renovate and build passenger terminals at the airports of Borispol, Kyiv (Zhuliany), Donetsk, Kharkiv and Lviv.

123. At all railway stations, roadside facilities, river ports, seaports and airports, which fall within the remit of the Ministry of Infrastructure, units (services) have been established to provide assistance to persons with disabilities.

124. Postal services are provided to persons with disabilities in certain towns and villages through a universal home delivery service. There is also the possibility of calling out a post office employee (postman) by telephone.

125. Between 2009 and 2011, State roads were enhanced with 3,321 street-level pedestrian crossings with lowered kerb stones (with sloping approaches),

9 pedestrian underpasses and 14 overground pedestrian crossings, and 76 bus bays were fitted with ramps at their entrances and exits.

#### **Article 10 — Right to life**

126. Under article 27 of the Constitution, every person has the inalienable right to life. No one may be arbitrarily deprived of life. It is the duty of the State to protect human life. Everyone has the right to protect their own life and health and the life and health of others from unlawful acts.

127. The Ministry of the Interior is the principal body in the system of central executive authorities responsible for developing and implementing public policy on the protection of human and civil rights and freedoms. The National Security Service is responsible for protecting the rights of Ukrainian nationals from infringement by, inter alia, particular organizations, groups and individuals.

128. Article 281 of the Civil Code provides that a person may not be deprived of life. He or she has the right to protect their life and health, as well as the life or health of others, from unlawful acts by any means that is not prohibited by law. Under that article, the right to life includes elements such as the prohibition of medical, scientific and other experiments on adults with dispositive capacity without their consent; the prohibition of euthanasia; an individual's right to sterilization; a woman's right to an abortion; and the right of adults to undergo (on medical grounds) a course of fertility treatment in accordance with the procedures and conditions established by law.

129. Article 36 of the Criminal Code provides for the right to justifiable defence, that is, the right to act in defence of one's rights and interests or the rights and interests of others as protected by law, or in defence of the public interest or the interests of the State against infringements that are dangerous to society, by inflicting on the infringer such harm as is necessary and sufficient in those circumstances in order to immediately prevent or end such infringement, provided that the limits of justifiable defence are not exceeded. Everyone has the right to justifiable defence, irrespective of any possibility of their avoiding an infringement that poses a danger to the public or of turning to other persons or the authorities for help.

130. Under article 115, paragraph 1, of the Criminal Code, premeditated murder is punishable by 7 to 15 years' deprivation of liberty or, where there are aggravating circumstances as provided for in paragraph 2 of that article, deprivation of liberty for 10 to 15 years or for life, with confiscation of property where the offence is motivated by personal gain. Decisions on sentencing also take into account any circumstances that could mitigate the punishment. The death penalty does not exist in Ukraine.

#### **Article 11 — Situations of risk and humanitarian emergencies**

131. Under article 1 of the Act on the Legal Regime Applicable in a State of Emergency, a state of emergency is a special legal regime that is provided for by the Constitution and that governs the activities of State agencies, local and regional government authorities, businesses, institutions and organizations, temporarily permitting restrictions as established by that Act with respect to the exercise by

citizens of their constitutional rights and freedoms and to the rights of legal entities, and placing additional responsibilities on them.

132. The legal regime applicable in a state of emergency is aimed at ensuring the safety and security of citizens in the event of a natural disaster, large-scale accident, epidemic or epizootic disease and at protecting the rights and freedoms of citizens and the constitutional order in the event of a large-scale disruption of law and order that poses a threat to the lives and health of citizens, or in the event of an attempt to seize State power or change the constitutional order of Ukraine by violent means.

133. In order to implement Cabinet of Ministers Decision No. 1198 of 3 August 1998, a unified State system to prevent and respond to natural and man-made disasters has been established, bringing together central and local executive authorities, the executive bodies of local councils and State-owned enterprises, agencies and organizations with the relevant powers and resources, all of which oversee activities to ensure safety from and security against man-made and natural disasters, organize work to prevent such disasters and, when disasters do occur, implement response measures to protect the population and the environment and to reduce material losses.

134. Article 5 of the Act on the Protection of the Population and Territories from Man-Made and Natural Disasters defines the rights of Ukrainian citizens, non-nationals and stateless persons lawfully present in Ukraine with respect to protection of the population and territories from man-made and natural disasters.

135. Under article 24 of the Act on the Legal Regime Applicable in a State of Emergency, a state of emergency cannot be a ground to use torture, cruel or degrading treatment or punishment or to restrict in any way the right to life and to freedom of thought, conscience or religion as enshrined in the International Covenant on Civil and Political Rights and in Ukrainian legislation.

136. Over a four-year period in Ukraine, 1,051 man-made, natural and sociopolitical emergency situations have occurred: 211 in 2011, 254 in 2010, 264 in 2009 and 312 in 2008. The annual decrease in the number of emergencies by an average of 0.9 per cent is a continuing trend. A total of 4,208 persons were injured, of whom 1,659 died.

137. Statistical data relating to disabilities caused by emergency situations or persons with disabilities who were injured or died as a result of such situations are not collected.

138. In order to reduce the number of persons injured or killed in non-industrial accidents, a draft law on the framework for State policy on preventing non-industrial accidents has been prepared.

139. In Ukrainian legislation, the concepts of “situation of risk” and “humanitarian emergency” are not defined.

#### **Article 12 — Equal recognition before the law**

140. Under article 24 of the Constitution, citizens have equal constitutional rights and freedoms and are equal before the law. No privileges may be granted or restrictions imposed on grounds of race, colour of skin, political, religious or other convictions, gender, ethnic or social origin, financial status, place of residence,

language or other characteristics. Ukraine provides persons with disabilities with the opportunity to participate in society in a meaningful way and on an equal basis with others, guided by the fact that persons with disabilities have the same fundamental rights as their fellow citizens.

141. In accordance with the provisions of Ukrainian legislation, every natural person, without exception, has rights and responsibilities, that is, they have legal capacity from birth until death, regardless of circumstances. Where established by law, the capacity to enjoy certain rights and take on certain duties may depend on the person's age.

142. Under articles 36-37 of the Civil Code, a court may limit the civil dispositive capacity of an individual if that person is suffering from a mental disorder that has a significant impact on their capacity to understand the meaning of their actions and/or control them. Individuals with limited civil dispositive capacity are placed under guardianship. An individual with limited civil dispositive capacity may carry out only minor domestic transactions independently. Transactions involving the disposal of assets and other non-minor, non-domestic transactions may be carried out by a person with limited civil dispositive capacity only with the consent of their guardian. Refusal by a guardian to consent to a non-minor, non-domestic transaction may be appealed against by a person with limited civil dispositive capacity before an agency of tutorship or guardianship or before a court. A guardian manages the receipt and disposal of wages, pensions, educational grants and other income on behalf of a person with limited civil dispositive capacity. A tutor may give written authorization to a person with limited civil dispositive capacity to allow them independently to receive and dispose of their wages, pensions, educational grants and other income. A person with limited civil dispositive capacity is solely liable if he or she violates an agreement entered into with the consent of his or her guardian; they are also liable for harm caused by them to another person.

143. Articles 39-41 of the Civil Code provide that a court may determine that a person does not have dispositive capacity if that person is incapable of understanding the meaning of his or her actions and/or of controlling them owing to a chronic, persistent mental illness. An individual who does not have dispositive capacity is placed under tutorship. A person who does not have dispositive capacity does not have the right to carry out any transactions. The tutor carries out transactions on behalf of, and in the interests of, a person without dispositive capacity. The tutor is liable for harm caused by the person without dispositive capacity.

144. As part of public policy regarding persons with disabilities and in order to ensure their equal participation in life, the State authorities are adopting a number of measures to ensure access for such persons to various systems of society and the environment, such as services, employment and information, with a view to a deeper understanding in society of the situation of persons with disabilities, their rights, needs, opportunities and contributions, and to ensure the distribution among persons with disabilities, their families, specialists and the general public of information on programmes and services for persons with disabilities.



**Article 13 — Access to justice**

145. Under article 55 of the Constitution, human and civil rights and freedoms are protected by the courts. Every person is guaranteed the right to challenge through the courts the decisions, actions or omissions of State or local government authorities, officials or employees. The equality of all parties to judicial proceedings is established by law and by the courts (art. 129, Constitution). In cases specified by the law, legal assistance is free of charge (art. 59, Constitution).

146. The Cost-Free Legal Assistance Act (No. 3460-VI of 2 June 2011) defines the arrangements for the provision of cost-free primary and secondary legal aid to the population.

147. Cost-free primary legal assistance consists of informing persons of their rights and freedoms, how to exercise them or restore them in the event of their violation and how to challenge the decisions, actions or omissions of State or local government authorities, officials or employees. Such assistance is provided to all persons who are under the jurisdiction of Ukraine.

148. Cost-free secondary legal assistance provides for the creation of equal opportunities for access to justice and includes defence against charges, representation of the person's interests before the courts or other State or local government bodies and the drafting of procedural documents. Those with the right to full cost-free secondary legal assistance include persons with disabilities who receive a pension, or a benefit in place of a pension, of less than twice the minimum subsistence income for persons unable to work (\$206 from 1 January 2012 and \$210 from 1 April 2012). Such assistance is provided by centres for the provision of cost-free legal assistance and by lawyers listed in the relevant registers of lawyers providing cost-free secondary legal assistance.

149. Under article 36 (1) of the Procurator's Office Act, if a citizen becomes incapable, because of his or her physical state, financial circumstances, old age or other justifiable reasons, of independently defending a right that has been violated or disputed or exercising procedural rights, the Procurator's Office may represent the interests of that individual before the courts.

150. Article 5 of the Legal Fees Act provides that the following are exempt from paying legal fees: (a) persons who acquired a disability during the Second World War; (b) persons with disabilities in groups I and II; (c) legal representatives of children with disabilities and persons with disabilities who do not have dispositive capacity in groups I and II; and (d) civil society organizations for persons with disabilities (and unions of such organizations or other associations of civil society organizations for persons with disabilities), their businesses, institutions and organizations. The above-mentioned groups of citizens are also exempt in accordance with Cabinet of Ministers Decree No. 7-93 of 21 January 1993 on State Duties.

151. A total of 739 public liaison offices have been established under the judicial authorities to provide cost-free primary legal assistance. Officials of the judicial authorities take part in the work of 925 public liaison offices established under local administrative authorities, as part of social services centres for families, children and young people and under the executive bodies of district and city councils, and

in the work of 1,898 mobile advice centres in remote rural districts. In 2011, more than 15,500 persons with disabilities were provided with legal assistance.

152. The enquiries received by public liaison offices from persons with disabilities are analysed in detail, and the results of that analysis are used to prepare relevant guidance materials on clarifying the procedure for legal regulation of the social protection of persons with disabilities. Notably, in 2010 and 2011, such issues were reported in 1,938 statements by judicial officials.

#### **Article 14 — Liberty and security of person**

153. Under article 29 of the Constitution, everyone has the right to liberty and security of person. No one may be arrested or remanded in custody other than pursuant to a reasoned court decision and only on the grounds and in accordance with the procedure established by law. In the event of an urgent need to prevent or stop a crime, such bodies as are authorized by law may remand a person in custody as a temporary preventive measure, the reasonable grounds for which must be verified by a court within 72 hours. The detained person must be released immediately if she or he has not been provided, within 72 hours from the time of detention, with a reasoned court decision concerning his or her remand in custody. Any person arrested or detained must be informed without delay of the reasons for their arrest or detention, apprised of their rights and, from the time of detention, given the opportunity to defend themselves personally or to have the legal assistance of a defence lawyer. Every detained person has the right to appeal against their detention before a court at any time. The relatives of an arrested or detained person must be informed immediately of the arrest or detention.

154. Ukraine has ratified the Convention on the Protection of Human Rights and Fundamental Freedoms of 1950, as well as the following protocols to that Convention: Nos. 1, 2, 4, 6, 7, 9, 10, 11, 12, 13, 14 and 14 bis.

155. Under article 1 of the Militia Act, the militia — the national armed body of the executive — protects the life, health, rights and freedoms of the citizens of Ukraine, as well as property, the natural environment and the interests of society and the State, against unlawful acts. The national security of Ukraine is the responsibility of a specialized State law enforcement agency, the National Security Service (art. 1, National Security Service Act).

156. In accordance with article 5 of the Militia Act, the militia respects the dignity of individuals, treats them humanely and safeguards their human rights regardless of their social origin, financial or other status, race, ethnicity, citizenship, age, language, education, attitude to religion, gender or political or other convictions.

157. Article 5 of the National Security Service Act establishes that the National Security Service performs its functions on the basis of respect for human rights and freedoms. Unlawful restrictions of human rights and freedoms enshrined in law are prohibited and punishable under the law.

158. In 2008, the number of convicted persons formally recognized as having a disability was 3,792; in 2009 the number was 3,832; in 2010, it was 3,909; and in 2011 it was 4,251.

**Article 15 — Freedom from torture or cruel, inhuman or degrading treatment or punishment**

159. Under article 28 of the Constitution, no one may be subjected to torture, cruel, inhuman or degrading treatment or punishment. No one may be subjected to medical, scientific or other experiments without his or her freely given consent.

160. Ukraine has ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and its Protocols No. 1 and No. 2.

161. Through Presidential Decree No. 950/2011 of 27 September 2011, a commission on the prevention of torture was established and regulations governing its operation were approved.

162. According to article 127 of the Criminal Code, torture is punishable by a term of two to five years' deprivation of liberty. Where committed repeatedly or by prior conspiracy among a group of persons, or motivated by racial, ethnic or religious intolerance, the same acts are punishable by a term of 5 to 10 years' deprivation of liberty.

163. Ukrainian regional doctors' associations are participating in the implementation of the Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment, the aim of which is to support doctors and their families who face threats or persecution as a result of refusing to turn a blind eye to the use of torture or other forms of cruel, inhuman or degrading treatment.

**Article 16 — Freedom from exploitation, violence and abuse**

164. Article 28 of the Constitution establishes that everyone has the right to respect of his dignity and that no one may be subjected to torture, cruel, inhuman or degrading treatment or punishment. No one may be subjected to medical, scientific or other experiments without his or her freely given consent.

165. The Criminal Code establishes that except where otherwise provided, unlawful violence is a criminal offence for which penalties are established. For example, article 126 establishes liability for intentional infliction of blows, beating or any other violent acts which cause physical pain but do not cause bodily harm; article 144 makes it an offence to take another person's blood by means of violence or deception with the intention of using it as donor blood; where parents or persons acting in their stead use a child of tender years for begging (systematically asking strangers for money or objects of material value), article 150 (1) establishes penalties of up to three years' restriction or deprivation of liberty.

166. Under article 173 (2) of the Code of Administrative Offences, domestic violence is recognized as an administrative offence.

167. The Prevention of Domestic Violence Act (No. 2789-III of 15 November 2001) defines the legal and organizational framework for the prevention of domestic violence, as well as the powers of the authorities and institutions charged with the implementation of measures for the prevention of domestic violence.

168. According to article 1 of the Prevention of Domestic Violence Act, domestic violence is defined as any intentional physical, sexual, psychological or financial

action directed by one family member against another family member, where such actions violate the constitutional rights and freedoms of the latter as a human being and citizen, cause him or her emotional distress or damage his or her physical or psychological well-being. Family members who commit acts of domestic violence incur criminal, administrative or civil liability in accordance with the law.

169. The authorities and institutions responsible for implementing measures to prevent domestic violence are: (a) the Ministry of Social Policy; (b) relevant units of the internal affairs authorities (the local militia department and the criminal investigation service for children's affairs); (c) agencies of tutorship or guardianship; (d) specialized institutions for the perpetrators of domestic violence and victims of such violence (crisis centres and centres for the medical and social rehabilitation of victims of domestic violence).

170. Statistics show that in 2011, a total of 126,514 domestic violence complaints were filed, including 764 by children, 113,872 by women and 11,868 by men. A total of 4,240 persons (364 women and 3,876 men) were ordered to undergo reform programmes. Those programmes were completed by 396 persons. A total of 105,331 persons are registered as having committed domestic violence. There were 12,649 events on protection of the rights of the child from domestic violence. No statistics are available regarding persons with disabilities who have experienced domestic violence problems.

#### **Article 17 — Protecting the integrity of the person**

171. Section XIV of the Criminal Code regulates the application of compulsory medical measures (outpatient mental health treatment and the placement in special institutions of persons who have committed a criminally punishable act that posed a danger to the public, for the purpose of compulsory treatment and in order to prevent them from committing acts that endanger the public) and compulsory treatment. A court may order persons to undergo compulsory medical measures where they have: (a) committed an act that posed a danger to the public while in a state of mental incompetence; (b) committed an offence while in a state of diminished capacity; (c) committed an offence in a state of incapacity but were suffering from a mental illness either before they were sentenced or while serving their sentence. A court can order compulsory medical treatment, irrespective of the sentence handed down, for persons who have committed crimes and who suffer from an illness that poses a risk to others' health.

172. Under article 9 of the Act on the Framework for Health-Care Legislation of Ukraine (No. 2801-XII of 19 November 1992), citizens may, for health reasons, be deemed temporarily or permanently unfit to carry out professional or other activities if their so doing would pose a danger to others or negatively affect the performance of particular functions.

173. The Civil Code prohibits compliance with an individual's request to end his or her life. The same provision also establishes the following: sterilization may be performed only at the request of an individual who has reached the legal age of majority; the sterilization of a person who does not have dispositive capacity may be performed for medical reasons, but only with the consent of their tutor and in conformity with the requirements established by law; an abortion may be performed at a woman's request provided that no more than 12 weeks of pregnancy have

elapsed; in the cases prescribed by law, abortions may be performed between 12 and 22 weeks of pregnancy; the circumstances under which abortion is permitted after 12 weeks of pregnancy are provided for in relevant legislation; and women who have reached the legal age of majority have the right to undergo fertility treatment programmes on medical grounds and in accordance with the procedures and conditions established by law.

174. Act No. 1007-XIV of 16 July 1999 on the Transplantation of Organs and Other Human Anatomical Materials prohibits the conclusion of agreements relating to the purchase and/or sale of organs or other human anatomical materials, with the exception of bone marrow.

175. Under articles 143-44 of the Criminal Code, breaches of the legal procedure for the transplantation of human organs or tissue, as well as forced organ donation, are established as offences punishable by up to seven years' deprivation of liberty.

### **Article 18 — Liberty of movement and nationality**

176. According to article 25 of the Constitution, no Ukrainian citizen may be stripped of their citizenship or right to change citizenship; nor may they be exiled from Ukraine or extradited to another State. Ukraine guarantees the care and protection of its citizens outside its borders.

177. Everyone who is legally present on the territory of Ukraine is guaranteed freedom of movement, free choice of place of residence, and the right freely to leave the territory of Ukraine, with the exception of the restrictions established by law. A Ukrainian citizen may not be deprived of the right to return to Ukraine at any time (art. 33, Constitution).

178. Freedom of movement and freedom to choose one's place of residence in Ukraine are regulated by the Act on Freedom of Movement and Free Choice of Place of Residence in Ukraine. Article 2 of that Act establishes that Ukrainian nationals, and non-nationals and stateless persons who are legally present in Ukraine, are guaranteed freedom of movement and free choice of place of residence in its territory, with the exception of the restrictions established by law. Registration of a person's permanent or temporary place of residence, or the absence of such registration, may not affect the exercise of the rights and freedoms provided for by the Constitution, the country's laws or international treaties to which Ukraine is party, or serve as grounds for the restriction of those rights and freedoms.

179. Articles 12 and 13 of the same Act establish restrictions on free movement and the free choice of one's residence. Those restrictions apply in particular to persons who, in accordance with legislation on infectious diseases and psychiatric assistance, are subject to compulsory hospitalization and treatment.

180. Under article 1 of the Ukrainian Citizenship Act, Ukrainian citizenship is a legal link between an individual and Ukraine that manifests itself in reciprocal rights and obligations; a Ukrainian citizen is a person who has acquired Ukrainian citizenship in accordance with the procedure established by law and international treaties to which Ukraine is party.

181. Article 3 of the Ukrainian Citizenship Act establishes a core body of Ukrainian citizens. Under article 6 of the Act, Ukrainian citizenship is acquired: (a) by birth; (b) on the basis of place of birth; (c) through naturalization; (d) through the

re-acquisition of citizenship; (e) through adoption; (f) through a child's placement under tutorship or guardianship or in a children's or health-care institution, a family-type children's home or a foster family; (g) through placement of an individual recognized by the courts as lacking dispositive capacity under tutorship; (h) if one or both parents of a child hold Ukrainian citizenship; (i) through the recognition of paternity or maternity, or by establishing the fact of paternity or maternity; or (j) on other grounds provided for under international treaties to which Ukraine is party.

#### **Article 19 — Living independently and being included in the community**

182. Article 29 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine provides for the priority right of persons with disabilities, and families of children with disabilities, to improved living conditions in accordance with the procedure established by law. In particular, articles 45 and 46 of the Housing Code of the Ukrainian Soviet Socialist Republic, and article 33 of the aforementioned Act set out the categories of persons with disabilities who are entitled to housing on a priority or preferential basis.

183. Where accommodation does not meet the requirements set out by medical and social care expert assessments and it is not possible to adapt it to the needs of a person with disabilities, alternative accommodation may be provided.

184. A list has been approved of chronic health conditions persons suffering from which may not live in a shared apartment or in a single room together with members of their family, and may apply for a separate room.

185. Under article 5 of the Social Services Act, persons with disabilities are provided with social services in the form of: (a) material assistance (money, food, sanitary and personal hygiene products, childcare products, clothing, footwear and other basic necessities, fuel and technical and assistive rehabilitation devices); (b) social services (provision of social services at a place of residence (at home) and at inpatient, residential, rehabilitation, day-care and short- and long-term care institutions and establishments, local social service centres and other social support (care) institutions).

186. Persons with disabilities who are significantly limited in their ability to look after themselves, have limited mobility and require constant care are admitted to State-run residential social service establishments (residential care institutions), which aim to provide comprehensive social services, improved living conditions and communal and medical care.

187. In the Ukrainian labour and social welfare system, there are 324 residential care institutions (of which 152 are neuropsychiatric centres, 5 are specialized, 74 are for the elderly and persons with disabilities, 38 are care homes for war and labour veterans and 55 are children's care homes). More than 6,900 children with disabilities live in residential care homes, of whom 243 are orphans, 1,631 are deprived of parental care, 507 have only one parent and 1,108 have both parents.

188. Ukraine is currently introducing a more modern form of social services: the provision of social services to persons with disabilities through local centres which serve pensioners and persons with disabilities in their own homes. Ukraine has

established a comprehensive network of local centres operating in each administrative district, in cities and in the districts of major cities.

189. In the labour and social welfare system of Ukraine, there are 735 local social service centres providing some 50 types of social service to almost 1.5 million persons in difficult circumstances. More than 40,000 social workers work in those centres.

190. In each local centre there is a home-care section, which provides social services to persons living on their own who either have an illness but have not yet been formally assigned to a disability group or have a disability, and who require constant care but wish to live in their own home. Care and assistance are provided to such citizens in their own homes by social workers. To provide social support to persons with disabilities in difficult circumstances, the local centres have sections whose role is to provide targeted assistance in kind. Those sections provide social support to individuals on low incomes (including persons with disabilities) in the form of, inter alia, hot meals, foodstuffs, clothes, shoes, bedding, household appliances and rehabilitation services. In order to provide social and day-to-day living assistance and medical care, the local centres have set up day-care sections where persons with disabilities can access social services.

191. For persons with disabilities whose state of health means they can no longer live independently at home, local communities are establishing small centres whose working methods are similar to those of residential homes but significantly fewer people live there (from 10 to 50). They are known as long- and short-term residence centres.

192. There are 1,400 social service centres for families, children and young people. The centres aim to provide more than 20 cost-free social services to around 700,000 people from socially vulnerable sections of the population. A total of 82 social service institutions are in operation, including 15 centres for the social and psychological rehabilitation of children and young people with functional impairments. More than 1,000 people between 7 and 35 years of age undergo psychological, educational, physical and social rehabilitation and readaptation to everyday life.

193. The Ministry of Social Policy is currently drafting a qualification profile for carers of persons with disabilities.

#### **Article 20 — Personal mobility**

194. Under article 26 of the Act on Rehabilitation of Persons with Disabilities in Ukraine, the State guarantees the design and production of technical and other rehabilitation equipment, the purchase of special vehicles and medical products and the availability of those items to adults and children with disabilities for the purposes of social adaptation, improved living and working conditions and facilitated interaction with others, and disseminates information on such products. The quality of prosthetic and orthopaedic products is monitored at all stages, from the inspection of primary products, materials and components, their preparation and functional and in-process inspection to quality control of the final product. All technical rehabilitation equipment is manufactured in accordance with international standard ISO 9999.

195. Prosthetic and orthopaedic assistance is provided by 15 State- and publicly owned prosthetics and orthopaedics companies, 17 prosthetics production facilities and manufacturing units and 18 customized production establishments providing the public with non-complex prosthetic and orthopaedic assistance, as well as by 43 non-State-owned companies.

196. Each year, the labour and social welfare agencies provide around 600,000 persons, including persons with disabilities, with technical and other rehabilitation equipment (wheelchairs, walking sticks, crutches, etc.).

197. Under article 26 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine, as amended by Act No. 4213 of 22 December 2011, businesses, institutions and organizations are required to create the conditions necessary for persons with disabilities to have unhindered access to the physical environment. Vehicle owners and manufacturers, producers and users of information and telecommunications operators and service providers must ensure service provision and product manufacture that take into account the needs of persons with disabilities.

#### **Article 21 — Freedom of expression and opinion, and access to information**

198. Under article 34 of the Constitution, everyone is guaranteed the right to freedom of opinion and speech, and the free expression of his or her views and beliefs. Everyone has the right freely to collect, store, use and disseminate information by oral, written or other means of their choice.

199. Access to information is regulated by the Information Act and the Access to Public Information Act.

200. More than 2,000 newspapers and magazines are published in Ukraine, including specialized publications that focus on issues concerning the social protection of persons with disabilities, some of those publications being produced by civil society organizations for persons with disabilities.

201. Persons with disabilities have the opportunity to subscribe at any post office to the daily publication of the central executive authorities, the newspaper “Pravitelstvennyy Kurier” (a subscription costs \$1.5 a month).

202. According to article 23 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine, as amended by Act No. 4213 of 22 December 2011, sign language is recognized as a medium of communication and instruction of persons with hearing disabilities and is protected by the State, which, through its institutions, facilitates its dissemination and the promotion of the linguistic identity of persons with hearing disabilities; guarantees the protection, study and full development of sign language and its use as a means of upbringing, training, education, communication and creativity; provides persons with hearing disabilities with the means to communicate with, inter alia, institutions responsible for social protection services, law enforcement agencies, fire safety bodies, the emergency and rescue services, health-care facilities and schools; assists in the provision of sign language interpreters to Ukrainian citizens with hearing impairments who use sign language; establishes the conditions necessary for research on sign language; and facilitates the use of sign language in official communication.



203. Under the same article, television broadcasters (regardless of their form of ownership or the State agency to which they belong) are required to provide subtitling or sign language interpretation for official communications, films, broadcasts and programmes according to the procedures and conditions established by the Cabinet of Ministers. The Verkhovna Rada is soon to consider a relevant draft act amending the Television and Radio Broadcasting Act.

204. In 2011, State television and radio broadcasters provided 5,460 hours of State-commissioned programming adapted to the needs of persons with hearing disabilities. In that year, the proportion of television programmes adapted to the needs of deaf persons increased by nearly 50 per cent compared to 2010, although that proportion remains very low, accounting for no more than 30 minutes a day. Statistical data show that there are currently more than 50,000 persons with hearing disabilities across the country.

205. The Ukrainian national television broadcaster and the Ukrainian Society for Deaf Persons have founded a new website called SURD.TV, which is currently operating on a trial basis; in the short term, it will provide viewers with hearing disabilities with the option of watching programmes and archive videos from many national television channels online, in full and 24 hours a day.

206. There are 556 trained sign language interpreters in Ukraine; every year, the training and rehabilitation centre of the Ukrainian Society for Blind Persons and the Dragomanov National Pedagogical University train on average 80 professional sign language interpreters.

207. Article 21 of the Copyright and Related Rights Act (No. 3792-XII of 23 December 1993) permits the printing and circulation of works in Braille without the consent of the author (or other holder of copyright), but it is compulsory to display the author's name and the source of the borrowed text.

208. Under article 14 of the Cinematography Act (No. 9/98-VR of 13 January 1998), before foreign films are distributed in Ukraine, they must be dubbed, post-synchronized, or subtitled in the State language (each year since 2008, every third film has been subtitled).

209. According to article 8 of Act No. 595-XIV of 9 April 1999 on the compulsory provision of duplicate documents, producers of publications, audio material and other documents for blind persons are required to deposit a cost-free copy of those materials at the central library of the Ukrainian Society for Blind Persons.

210. The State allocates money for the printing and cost-free distribution to persons with visual impairment of special publications in Braille (including periodicals). In 2010, a total of 9,482 subscription copies of such printed periodicals were funded by the State budget; in 2011, 7,163 such copies were printed.

211. In 2011, the National House of Audio and Print Media of the Ukrainian Society for Blind Persons used public funds to publish 15,549 books, newspapers and magazines at a total cost of 598,020 hryvnias, including 25 books in Braille (2,325 copies), 27 talking books (39,706.4 hours of audio material), 38 Braille-format editions of the newspaper "Promin" (7,914 copies) and 10 Braille-format editions of each of the magazines "Shkolnik" (2,614 copies) and "Prizyv" (2,696 copies).

**Article 22 — Respect for privacy**

212. Under article 31 of the Constitution, everyone is guaranteed privacy of correspondence, telephone conversations and telegraphic and other communications. Exceptions may be determined only by a court in cases provided for by law, with the purpose of preventing crime or ascertaining the truth in the course of the investigation of a criminal case, if it is not possible to obtain information by other means.

213. Under article 32 of the Constitution, no one may be subjected to interference in their personal and family life, except in cases provided for by the Constitution. Confidential information about persons may not be collected, stored, used or disseminated without their consent, except in cases provided for by law, and only in the interests of national security, economic well-being and human rights. Every citizen has the right to examine any information about him- or herself that is held by a State agency, local government body, institution or organization and that is not a State secret or other secret protected by law. Everyone is guaranteed judicial protection of the right to rectify incorrect information about him- or herself and members of his or her family, and of the right to demand that any type of information be expunged, and is also guaranteed the right to compensation for material and moral damage caused by the collection, storage, use or dissemination of such incorrect information.

214. Under the Civil Code, everyone has the right to privacy (art. 270) and to security of person (art. 289); everyone may define for themselves the limits of their private life and the extent to which others may be acquainted with it; and everyone has the right to maintain the confidentiality of the circumstances of their private life (art. 301).

215. Article 7 of the Protection of Personal Data Act (No. 2297-VI of 1 June 2010) prohibits the processing of personal data relating to a person's health except in the situations provided for by that Act, for example, where the person concerned has provided that data him- or herself and has given his or her explicit consent for the data to be processed, or where the processing of such data is necessary to protect the person's interests or the interests of another person if either such person does not have dispositive capacity or has limited civil dispositive capacity.

**Article 23 — Respect for home and the family**

216. Under article 51 of the Constitution, marriage is based on the free consent of a woman and a man. Each spouse has equal rights and obligations within the marriage and the family. Parents have a duty to support their children until those children reach the age of majority. Children who have reached the age of majority have a duty to care for their parents if the latter are unable to work. The family, childhood, motherhood and fatherhood are under the protection of the State.

217. Under the Family Code, the State has an obligation to establish the conditions necessary for maternity and paternity, and to ensure the protection of mothers' and fathers' rights, as well as to ensure the material and moral encouragement and support of motherhood and fatherhood.

218. According to article 4 of the Family Code, any person who has reached the age of marriage (17 years old for women and 18 for men) has the right to form a family.

However, if a person who has reached 14 years of age makes a request to marry, that person may be accorded the right to do so by a court if it is established that marriage is in accordance with that person's interests. It is prohibited to force women or men to marry (art. 24, Family Code). Marriage to a person who has been determined not to have dispositive capacity is null and void.

219. Articles 49 and 50 of the Family Code guarantee the rights of women and men to maternity and paternity respectively. The same articles provide that, where a woman is deprived of the ability to bear children or a man the ability to reproduce as a result of her or his performance of constitutional, official or work-related duties, or as a result of unlawful conduct towards her or him, she or he is entitled to compensation for the moral damage caused. Ukrainian law does not restrict the number of children individuals may have.

220. A court may strip a mother or father of their parental rights if they (a) failed to collect their child from a maternity hospital or other health-care institution without a valid reason and for six months failed to provide their child with parental care; (b) abdicate responsibility for the upbringing of their child; (c) abuse their child; (d) are chronic alcoholics or drug addicts; (e) exploit their child in any way or force him or her to become a beggar or vagrant; (f) are convicted of intentionally committing an offence against their child.

221. The Civil Code establishes that sterilization may be performed only at the request of an individual who has reached the age of legal majority.

222. The Civil Code establishes the right of adult women or men to undergo fertility treatment on medical grounds.

223. Article 48 of the Act on the Framework for Health-Care Legislation of Ukraine provides that "the use of artificial insemination and embryo implantation shall be carried out in accordance with the conditions and procedures established by the central executive body responsible for health-care issues on the basis of medical information relating to the adult woman who is to undergo such treatment and provided that both spouses give their written consent and that the donor's anonymity and medical confidentiality are both preserved." Only an individual who has reached the legal age of majority and who has dispositive capacity may be a donor of anatomical material. Such medical assistance must be provided under conditions of confidentiality.

224. Article 123 of the Family Code establishes that if a woman gives birth to a child conceived as a result of fertility treatment and that treatment was provided with the written consent of her husband, the husband is registered as the child's father. Where a human embryo conceived by spouses (a man and a woman) is implanted in another woman as part of fertility treatment, those spouses are the child's parents. Moreover, under that article, a husband and wife are recognized as the parents of a child born of the wife after the implantation of a human embryo conceived by the husband and another woman as part of fertility treatment.

225. Ministry of Health Order No. 771 of 23 December 2008 approved a directive governing the procedure for carrying out fertility treatment.

226. Social service centres for families, children and young people ensure the organization and conduct of work with socially vulnerable categories of family, children and young people who face difficult circumstances and require professional

assistance. Employees of social service centres local to families and individuals in difficult circumstances ensure that those families and individuals receive social assistance and support, identify crisis situations in families and carry out inspection visits and assessments to determine which social services families need.

227. A draft policy framework for a State programme of family support for the period up to 2015 has been developed. The objective of the draft framework is to create the conditions for more equitable development across society, for the strengthening of families, especially families with children, and for the formation of economically, socially and spiritually self-sufficient families with the average number of children and founded on the principles of a healthy lifestyle, gender equality, a responsible attitude to marriage and parenting and equal opportunities for personal self-fulfilment. A programme for informed and responsible fatherhood is being prepared for final approval, as is a programme to train social workers to carry out activities aimed at preparing young people and recently married couples for family life.

#### **Article 24 — Education**

228. Under article 53 of the Constitution, everyone has the right to education. Comprehensive general secondary education is compulsory. The State ensures cost-free access to preschool, comprehensive general secondary, vocational and higher education in State and community educational establishments; the development of preschool, comprehensive general secondary, extracurricular, vocational, higher and postgraduate education and of various forms of instruction; and the provision of State scholarships and concessions for pupils and students. Citizens have the right to obtain cost-free higher education in State and community educational establishments on a competitive basis.

229. Article 33 of the Preschool Education Act provides that children with mental or physical development needs or long-term treatment and rehabilitation requirements are guaranteed the right to study in State and community preschool educational establishments with a flexible schedule and to attend those establishments at the expense of the State.

230. Article 21 of the General Secondary Education Act establishes that children with hearing, visual and locomotor system impairments must be provided with individually customized corrective devices.

231. Article 42 of the Vocational Education Act establishes the right of persons with disabilities to receive vocational training that is in line with their capacities and abilities. All other conditions being equal, persons with disabilities have priority when enrolling in vocational training institutions. Their vocational training or retraining is funded from the State budget on the basis of medical advice about the type of employment they may undertake.

232. Under article 3 of the Higher Education Act, the implementation of State policy relating to higher education is ensured, inter alia, through appropriate support for the training of persons with disabilities as specialists on the basis of special educational technologies.

233. Article 22 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine establishes that where children and adults with disabilities in

groups I and II sit and pass entrance examinations (entrance tests) for higher education institutions accredited at levels I-IV, they shall be enrolled without competing for their place, provided that there are no justifiable reasons against their studying the subject that they have chosen; children and adults with disabilities may enrol in vocational training institutions on the same basis, provided that there are no justifiable reasons against their training for the profession (subject) and specialization that they have chosen. All other conditions being equal, higher education institutions accredited at levels I-IV and vocational training institutions are required to give enrolment priority to persons with disabilities and children from low-income families in which: both parents have disabilities; one of the parents has a disability and the other is deceased; the mother is single and has a disability; or the father has a disability and is bringing up the child without its mother. During the period of training of persons in the above-mentioned categories, educational grants and benefits (State social assistance to persons with congenital disabilities and children with disabilities) are paid in full.

234. Paragraph 16.5 of the Conditions for Admission to Higher Education Institutions of Ukraine in 2012, approved by Order No. 1179 of 12 October 2011 of the Ministry of Education and Science, Youth and Sport, requires the admissions board, on the recommendation of health-care and social protection bodies, to consider the possibility of a number of enrolments in higher education institutions that exceeds the State-set limit on the basis of the outcomes of interviews, with the right of persons with disabilities who are unable to attend an educational institution to study at home and thus undertake their training as distance learners.

235. The Ministry of Education and Science, through its Order No. 912 of 1 October 2010, approved a policy framework for the development of inclusive education, and through its Order No. 1224 of 9 December 2010 approved a regulation on special classes for teaching children with special educational needs in general-education establishments, which sets out an organizational and methodological framework for the education of children with special educational needs in the appropriate classes.

236. Cabinet of Ministers Decision No. 872 of 15 August 2011 approved the Procedure for the Organization of Inclusive Education in General-Education Establishments, which provides for introduction of the posts of specialist disability teacher and speech therapy teacher in the staffing requirements of general-education establishments to allow for appropriate remedial and developmental work. The occupation of “assistant to inclusive education teacher” has been added to the Classification of Occupations and introduced into the standard staff list for such establishments.

237. In 2011, 357 mobile educational computer systems were made available to general-education and special (boarding) schools for orphans and children deprived of parental care and general-education and special (boarding) schools for children with special educational needs (excluding special institutions for blind or partially sighted children) as part of a State special social programme for the integration of information and communications technologies “100 per cent” into the education and child development process in general-education establishments for the period up to 2015, approved by Cabinet of Ministers Decision No. 494 of 13 April 2011.

238. The Ministry of Education and Science and the Institute of Special Education at the National Academy of Educational Sciences of Ukraine have jointly developed a training course and related teaching manual entitled “Introduction to Inclusive Education”, which is incorporated into the curricula of postgraduate education institutions, as well as a research and methodology manual entitled “Psychological Support for the Remedial and Rehabilitative Education of School-age Children with Mild Intellectual Disabilities” and the teaching manuals “Guide for Teachers” and “Guide for the Parents of Children with Special Needs”. The course curriculum provides for lecture- and workshop-based training for teaching staff in general-education schools on the theme “Integrating Children with Special Educational Needs in General Education”.

239. At the beginning of the academic year 2008/2009, a new list of subjects (areas of specialization) was introduced, those subjects being combinable with additional specialized subjects and disciplines, for the training of teaching professionals at bachelor’s, postgraduate and master’s level. The list is designed to enable specialists to obtain additional qualifications in teaching (in speech therapy and teaching for persons with hearing, visual or intellectual impairment), specialist psychology and other subject areas.

240. The list of subjects in which bachelor’s degrees may be obtained at higher education institutions, approved by Cabinet of Ministers Decision No. 1719 of 13 December 2006, includes specialist training in remedial education (according to type of disability or illness) for qualification as a “disability specialist: educator for children with special mental or physical development needs”. In 2010, in order to improve the system of training for teaching professionals, a bachelor’s degree course leading to qualification as “primary education teacher for children with locomotor system impairments and for inclusive education” was introduced.

241. A programme has been developed for research on the emerging issue of methodologies and techniques for identifying talented children with disabilities and providing them with educational support. The programme identifies the research and theoretical principles of diagnostic monitoring and techniques for identifying talented youths among persons with special mental or physical development needs.

242. In order to provide advisory services to children with disabilities and their parents in the education sections (departments) of local authorities and schools, staff posts have been introduced for psychologists and educational social workers. Specialists are appointed by the education departments locally. Local education sections appoint specialists who monitor the education and social protection of children with disabilities.

243. The education system has an extensive network of institutions offering various forms of tuition whose activities are intended to ensure equal access to good-quality education for children with special needs through the implementation of a range of educational, rehabilitation and remedial measures, namely special schools with a longer school day, boarding schools, special children’s homes, associations, educational and rehabilitation centres, specialized classes for gifted children with disabilities and general-education schools with special and inclusive classes.

244. In special educational institutions, including residential ones, the provision of remedial assistance is assured as part of the process of comprehensive rehabilitation (psychological, educational, social, medical, sports-based, physical and employment

rehabilitation) for children with disabilities, as is social and educational support focused on their integration into academic and social life.

245. In order to implement the Comprehensive Action Plan for the Development of Education in Ukraine for the period up to 2011, approved by Cabinet of Ministers Decision No. 1252 of 16 October 2008, new national standards in remedial education (according to type of disability or illness) are being developed.

246. In Ukraine, 0.5 per cent of pupils (or 6,766 children) in preschool educational establishments have disabilities; the proportion in general-education schools is 1.5 per cent (62,804 children), while the proportion of students with disabilities in vocational training institutions is 1.4 per cent (6,140 students) and in higher education institutions 0.7 per cent (17,242 students).

247. As a result of financing constraints, only 11 per cent of educational establishments are fully accessible to children with special educational needs, while 39 per cent are partially accessible (an increase of 16 per cent compared to 2010).

248. The same reason underlies the lack of textbooks for children with special educational needs, especially books in Braille for blind children. Relevant proposals have been taken into account in the planning of the Ukrainian State budget for next year.

#### **Article 25 — Health**

249. Article 49 of the Constitution guarantees everyone the right to health protection, medical care and health insurance. The State creates the conditions necessary for effective medical services to be accessible to all citizens. In State and community health-care institutions, medical care is provided free of charge; reduction of the existing network of such institutions is not permitted.

250. In accordance with articles 36 and 37 of the Act on Rehabilitation of Persons with Disabilities in Ukraine, medical care for persons with disabilities is provided in the form of medicines, technical equipment and other supplies and medical rehabilitation services. The types of medical assistance necessary for persons with disabilities are determined by medical and social care assessments as part of an individual rehabilitation programme. Assistance is financed by a fund for the social protection of persons with disabilities.

251. Under article 33 of the Act on Rehabilitation of Persons with Disabilities in Ukraine, medical rehabilitation for children and adults with disabilities is provided in appropriate treatment and preventive care facilities and rehabilitation institutions and includes all types of remedial treatment in inpatient and outpatient facilities and sanatoriums, follow-up and preventive care, reconstructive surgery and the provision of prostheses and orthoses.

252. Where health problems occur in patients as a result of illness or injury, including during the transition of an illness to its chronic phase, medical and social care expert commissions (or, in the case of minors, doctors' advisory commissions at treatment and preventive care institutions) or rehabilitation institutions adjust the individual rehabilitation programme for the person with the disability to take those problems into account.

253. The particular extent, methods, location and duration of the rehabilitation process are defined in the individual rehabilitation programme for the person with the disability. Persons with disabilities and children with severe disabilities who, for medical reasons, require constant professional care are provided with medical support (daily assistance) at home. Where necessary, such support is provided by mobile rehabilitation teams.

254. The State special social programme to prevent, diagnose and treat viral hepatitis for the period up to 2016, approved by Cabinet of Ministers Order No. 206-r of 9 March 2011, aims to reduce disability and mortality caused by complications relating to viral hepatitis B and C by 40 per cent by 2016.

255. In order to preserve and improve health, prevent and reduce illness, disability and death, improve the quality and effectiveness of medical assistance and ensure social equality and the rights of citizens to health care, the Cabinet of Ministers adopted Decision No. 725 of 22 June 2011 approving the “State special research and technology programme for the development of advanced techniques for the production of medicines in Ukraine in order to ensure human health care and fulfil veterinary medicine requirements for the period 2011-2015” and Order No. 1164-r of 31 October 2011 approving a policy framework for the national programme “Health 2020 — a Ukrainian assessment”.

256. In accordance with Ministry of Health Order No. 815 of 27 September 2010, plans have been drawn up for the establishment of an electronic register of patients and a consolidated electronic register of lists of persons in health-care institutions registered as unable to work. One part of this register will serve as a record of persons with disabilities, broken down by type and category of disability or illness.

257. In accordance with Ministry of Health Order No. 142 of 14 March 2011 on Enhancing Standards for the State Accreditation of Health Facilities, standards for the accreditation of health-care facilities require the availability of ramps, functional passenger and freight (hospital) lifts for the movement of persons with physical disabilities in wheelchairs.

258. The Ministry of Health has prepared draft legislation — agreed upon by the relevant ministries, national trade union associations, employers’ associations and civil society organizations for persons with disabilities — approving the procedure for the determination by medical and social care expert commissions of the percentage of skilled employees who become unable to work because their health has been harmed in the course of their performance of work-related duties and approving criteria to determine the extent of permanent loss of ability to undertake professional work and specific issues relating to the employment of persons with illnesses or disabilities.

259. The Ministry of Health has studied international experience of the organization of medical and social care assessments and is carrying out consultations on the establishment of a separate and independent State service for such assessments.

260. In addition, discussions are currently under way in Ukraine with regard to the transition to insurance medicine.



**Article 26 — Habilitation and rehabilitation**

261. Under the Act on Rehabilitation of Persons with Disabilities in Ukraine, rehabilitation of persons with disabilities is defined as a system of medical, psychological, educational, physical and occupational measures and measures relating to employment, sport and physical training and day-to-day living aimed at providing support in terms of rehabilitation and compensation to persons suffering from damage to or loss of bodily functions in order to enable such persons to achieve and maintain social and financial independence, find appropriate employment and integrate in society, and at providing persons with disabilities with technical and other rehabilitation equipment and medical products. In turn, the concept of habilitation is understood as a system of measures aimed at equipping individuals with the knowledge and skills needed for independent living in society: awareness of their possibilities and limitations and role in society, understanding of their rights and obligations and the ability to live independently.

262. The State Model Programme for the Rehabilitation of Persons with Disabilities establishes a list of cost-free or low-cost medical, psychological, educational, physical, occupational, employment, sports-based, day-to-day living and social rehabilitation services, technical and other rehabilitation equipment and medical products provided by the State to adults and children with disabilities on the basis of actual needs, depending on the person's age, gender and type of disability or illness.

263. In line with the Model Programme, medical and social care expert commissions are developing individual rehabilitation programmes for adults with disabilities and doctors' advisory commissions at medical institutions are doing the same for children with disabilities.

264. It is mandatory for executive authorities, local government authorities, rehabilitation institutions and businesses, institutions and organizations where adults or children with disabilities work or are present, regardless of the entity's form of ownership or the State agency to which they belong, to have an individual rehabilitation programme in place. However, an individual rehabilitation programme for a disabled adult or child is only advisory in nature. Persons with disabilities (or legal representatives of children with disabilities) have the right to refuse the kind, form or number of rehabilitation measures set out in their individual rehabilitation programme, as well as to refuse the programme in its entirety. Within the scope of their individual mobility programmes, persons with disabilities (or the legal representatives of persons with disabilities without dispositive capacity, or of children with disabilities) participate in the selection, inter alia, of specific technical and other rehabilitation equipment, medical products, rehabilitation services and treatment at sanatoriums.

265. Over recent years, medical and social care expert commissions have improved the procedure for drawing up individual mobility programmes. The time required to draw up such programmes has been reduced as much as possible; during the assessment of a person with disabilities, an expert assessment of rehabilitation needs is carried out, capacity and scope for rehabilitation are determined and a rehabilitation expert opinion is prepared. Approximately 80 per cent of individual rehabilitation programmes are issued on the day of the assessment.

266. Sector-specific statistical reports for 2011 showed that individual rehabilitation programmes were drawn up for 173,931 persons newly recognized as

having a disability, of whom 19,795 were from group I, 66,092 were from group II and 88,144 from group III. For persons whose disability status had been renewed, 411,441 individual rehabilitation programmes were drawn up. A total of 358,783 rehabilitation programmes were implemented. For persons whose disability status had been renewed, 155,266 individual rehabilitation programmes were fully implemented. Medical and social care expert commissions prepared medical rehabilitation recommendations for 677,434 persons, including recommendations relating to rehabilitation therapy for 657,480 persons, reconstructive surgery for 12,440 persons and the provision of orthoses for 7,514 persons. Improvements in work to rehabilitate persons with disabilities have led to positive trends, especially with regard to indicators of full rehabilitation.

267. In 2011, medical and social care expert commissions in Ukraine issued recommendations on medical rehabilitation to 480,000 persons with disabilities, recommendations on employment to 275,000 persons, recommendations on vocational training to 28,000 persons, recommendations on social rehabilitation to 308,000 persons, recommendations on technical rehabilitation equipment to 17,000 persons and recommendations on sanatorium-based treatment to 169,000 persons with disabilities.

268. The medical assessment service carries out awareness-raising work across the country on preventing disability by leading a healthy lifestyle and receiving timely medical care, and on the capacity of the State to provide rehabilitation services in each particular region.

269. The main forms of rehabilitation activity are material assistance, the provision of rehabilitation services and the provision of technical and other rehabilitation equipment and medical products. Rehabilitation services are available to adults and children with disabilities in establishments and institutions for the rehabilitation of persons with disabilities and, where required, in their own home.

270. The country has approximately 590 rehabilitation institutions administered by various sectors. Each year, they provide services to 45,000 persons with disabilities.

271. Prosthetic and orthopaedic assistance is provided by 15 State- and publicly owned prosthetics and orthopaedics companies, 17 prosthetics production facilities and manufacturing units and 18 customized production establishments that provide the public with non-complex prosthetic and orthopaedic assistance, as well as by 43 non-State-owned companies that manufacture prosthetic and orthopaedic products and rehabilitation and mobility equipment.

272. On 18 November 2011, the Verkhovna Rada adopted Act No. 4064-VI amending article 26 of the Act on Rehabilitation of Persons with Disabilities in Ukraine with respect to the provision of individually tailored technical and other rehabilitation equipment to persons with disabilities, according to which a simplified procedure is soon to be implemented to provide technical and other rehabilitation equipment to persons with disabilities by issuing them with vouchers. The necessary arrangements are currently being put in place by the Ministry of Social Policy.

273. The Ministry of Social Policy is also developing a comprehensive overhaul of existing legislation in terms of replacing reduced-rate transport services for persons with disabilities with targeted financial assistance.

**Article 27 — Work and employment**

274. Under article 43 of the Constitution, everyone has the right to labour, including the possibility to earn one's living by labour freely chosen or consented to. The State creates the conditions necessary to enable citizens to exercise fully their right to labour, guarantees equal opportunities in choice of occupation and of type of labour activity and implements programmes of vocational education, training and retraining of personnel according to the needs of society. The use of forced labour is prohibited. Everyone has the right to appropriate, safe and healthy work conditions and to remuneration no less than the minimum wage as determined by law. The employment of women and minors for work that is hazardous to their health is prohibited. Citizens are guaranteed protection from unlawful dismissal. The right to timely payment for labour is protected by law.

275. Article 97 of the Labour Code provides that an owner of a business, institution or organization, or a natural or legal person authorized by such an owner, does not have the right to unilaterally adopt decisions with regard to remuneration, poorer working conditions or the implementation of legislation, agreements or collective bargaining agreements. Employees' salaries must be paid as a matter of priority. All other payments must be made by the owner, or by a legal entity authorized by the owner, once the obligation to pay employees' salaries has been met.

276. Under article 17 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine, in order to allow persons with disabilities to realize their creative and productive potential, and taking into account their individual rehabilitation programmes, persons with physical disabilities have the right to work in businesses, institutions and organizations and to engage in business activity or any other employment activity not prohibited by law.

277. Under article 19 of the same Act, companies, institutions, organizations and natural persons that hire employees, including businesses and organizations belonging to civil society organizations for persons with disabilities, are required to establish a quota for the recruitment of persons with disabilities set at 4 per cent of the average number of regular full-time staff, calculated over a year; in places where between 8 and 25 persons work, the quota is one person.

278. If a company does not fulfil that quota for the recruitment of persons with disabilities, it must pay an administrative fine, the proceeds of which are used to establish and maintain jobs for persons with disabilities, provide financial assistance to employers who create such jobs and fund vocational training and retraining for persons with disabilities.

279. As at 1 January 2012, a total of 662,000 persons with disabilities were in employment in Ukraine.

280. The State provides persons with disabilities with vocational and occupational rehabilitation services. Vocational rehabilitation is intended to restore the capacity of adults and children with disabilities to engage in an occupation, inform their choice of occupation and facilitate their adaptation to it and assist them in returning to a previous occupation or undertaking a new one. Occupational rehabilitation includes the use of exercises to recover motor skills through the use of rehabilitation equipment in order to enable adults and children with disabilities to work, to the

extent possible in a normal working environment with the help of individualized arrangements.

281. A person with disabilities who has not reached retirement age and is not working but wishes to work has the right to register with the State Employment Service as unemployed.

282. In accordance with the Employment Act and the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine, the State Employment Service assists in the occupational rehabilitation of persons with disabilities and their employment in positions created for and allocated to them in companies, taking account of the recommendations of the medical and social care expert commissions.

283. In all employment centres there is unimpeded access to information; information corners at each centre offer documents on relevant legislative provisions and reference materials about social protection, the rehabilitation of persons with disabilities and employment and training opportunities for them; special workstations are available to allow persons with disabilities to work independently, with free Internet access for job searches; and there are information points and stands where current vacancies are posted. In order to serve persons with mobility and communication difficulties at the main employment centres, personal job-seeker consultants are available and social services are provided to such persons in an accessible and specially adapted work space. Appropriate work for persons with disabilities is identified on the basis of their vocational skills and knowledge, the recommendations of the medical and social care expert commissions and the wishes of the individual.

284. With a view to integrating persons with disabilities into public life, the Fund for Compulsory State Social Insurance in the Event of Unemployment finances current employment programmes, namely information, advice and occupational guidance services, training and retraining, skills development, temporary employment in paid community work and the promotion of unemployed persons' entrepreneurial initiatives by paying unemployment benefits as a one-off lump-sum.

285. With financing from the Fund for the Social Protection of Persons with Disabilities or, upon the decision of the local council, at their own expense, if necessary, businesses, institutions and organizations create special posts for persons with disabilities, adapting for that purpose basic and additional equipment, technical apparatus and fixtures, taking into account the nature of the disability of the person to be employed.

286. Employers that comply with the legally established quota for the recruitment of persons with disabilities or that have paid an administrative fine for non-compliance have the possibility to (a) receive funding for the creation of special posts for persons with disabilities who are registered with the State Employment Service as unemployed; (b) obtain a special-purpose loan (with a repayment period of up to three years) for the creation of posts for persons with disabilities; and (c) provide employees with disabilities with training.

287. In addition, businesses belonging to civil society organizations for persons with disabilities can access financial assistance for: (a) technical equipment to make existing posts suitable for the employment of persons with disabilities; (b) the

creation of the appropriate sanitary, occupational and technical arrangements in the workplace in accordance with the individual rehabilitation programme of the person employed; (c) upgrading their workplace equipment in order to create additional jobs for persons with disabilities.

288. In 2011, the State allocated 35 million hryvnias for the creation of jobs for persons with disabilities.

289. Articles 26, 38, 39, 40, 42, 51, 56, 172, 177, 182 (1), 184, 185 and 247 of the Labour Code contain the following provisions.

290. Where persons with disabilities are employed on the recommendation of an expert medical and social assessment, no checks are carried out to verify that those persons are suited to the work to which they are assigned. Where an employee voluntarily resigns because of the need to care for a child with disabilities or an adult with group I disabilities, the business owner or a body authorized to act on the owner's behalf is required to terminate the contract of employment within the period requested by the employee. Fixed-term employment contracts are subject to early termination at the request of the employee where the employee has a disability that prevents him or her from fulfilling the contractual agreement. Where an employee is unable to work as a result of a workplace accident or occupational illness, the post is retained until the employee is able to return to work or certified as having a disability. When deciding whether to retain employees, provided that employees' productivity and qualifications are the same, preference is given to persons with war-related disabilities and employees who were injured in a workplace accident or contracted an occupational illness in the business, institution or organization concerned.

291. In cases provided for by law, a business owner or body authorized to act on his or her behalf is required to organize training, the retraining and employment of persons with disabilities in line with medical recommendations, establish at the request of such persons a part-time working day or week and create favourable conditions of work. It is prohibited to involve persons with disabilities in overtime and night-time work without their consent.

292. It is prohibited to involve women who have children with disabilities in overtime or work-related travel without their agreement. Reduced working hours may be established for women with children with disabilities, the costs of which should be covered by the business or organization. At the request of a woman who has or is legally responsible for the care of a child with a disability, the business owner or body authorized to act on the owner's behalf is required to establish for that employee a part-time working day or week. Women who have children with disabilities are given an additional 10 days of paid annual leave, excluding public holidays and weekends. It is prohibited to refuse to employ single mothers or reduce their salary for reasons related to their having a child with a disability. It is also prohibited for business owners or bodies authorized to act on their behalf to dismiss single mothers who have children with disabilities, except where businesses, institutions or organizations close completely, in which case such employees may be dismissed but must be provided with employment elsewhere. Business owners or bodies authorized to act on their behalf must, where necessary, provide women who have children with disabilities with free or reduced-cost vouchers to travel to and

stay at sanatoriums and respite homes, and must also provide them with material assistance.

**Article 28 — Adequate standard of living and social protection**

293. Under article 46 of the Constitution, citizens are guaranteed the right to social protection, including the right to support in cases of complete, partial or temporary loss of ability to work, the loss of the principal wage earner, unemployment due to circumstances beyond their control, in old age and in other cases established by law. Under article 48 of the Constitution, every person has the right to a standard of living sufficient for themselves and their families, including adequate nutrition, clothing and housing.

294. Under article 36 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine, material, day-to-day, social care and medical support of persons with disabilities is provided through cash payments (pensions, benefits and one-time payments), the provision of medicines and technical and other supplies, including special-format publications and sound amplification devices, and the provision of medical, social, occupational and vocational rehabilitation and household and commercial services.

295. Adults and children with disabilities are provided with cost-free or reduced-cost day-to-day, social care and medical services, technical and other rehabilitation equipment, medical products appropriate to their individual rehabilitation programme and, subject to an appropriate medical assessment, mobility vehicles. Adults and children with disabilities who receive a pension or State social benefits and who are receiving outpatient treatment are entitled to receive prescription medicines free of charge.

296. The basic national standard of social assistance in Ukraine is equivalent to the minimum subsistence level. State social security guarantees (the minimum wage, minimum pension and social benefits, including for persons with congenital disabilities and children with disabilities, and other social welfare payments) are determined on the basis of that standard. The legal basis for the establishment, approval and application of the minimum subsistence level is set out in the Minimum Subsistence Level Act. The subsistence level is determined using a standard method of calculation on a monthly and per capita basis, with a separate calculation for those who fall into the main social and demographic groups of the population (children up to six years of age, children between 6 and 18 years of age, persons able to work and persons who are unable to work), and is based on a set of food items, a minimum range of non-food items and a minimum range of services approved on the basis of sociological analysis and based on the principles of social partnership.

297. The Act on the State Budget of Ukraine for 2012 set the monthly per capita minimum subsistence level at 1,017 hryvnias (\$127) from 1 January of that year; the rate for those in the main social and demographic groups — also valid from 1 January — was set as follows: children up to six years of age — 893 hryvnias (\$112); children between 6 and 18 years of age — 1,112 hryvnias (\$139); persons able to work — 1,073 hryvnias (\$134); and persons unable to work — 822 hryvnias (\$103).

298. In 2011, State budget expenditure relating to social protection programmes for persons with disabilities (from special and general funds and including the payment of social benefits to persons with congenital disabilities and children with disabilities) amounted to 4.8 billion hryvnias or \$0.6 billion (in 2010 the figure was 3.97 billion hryvnias, or \$0.5 billion). Moreover, in 2011, more than 36 billion hryvnias, or \$4.5 billion, was disbursed from the Ukrainian Pension Fund and the State budget to pay the pensions of persons with disabilities.

299. In 2011, in implementation of Cabinet of Ministers Decision No. 334 of 28 March 2011, State budget funds were used to provide accommodation for 12 families of persons with visual impairments and 12 families of persons with hearing impairments. From 2004 to 2008, a total of 215 apartments were acquired for persons with visual and hearing impairments.

300. Poverty is recognized as one of the most difficult problems in Ukrainian society and one that afflicts a large part of the population — particularly persons with disabilities — and significantly limits human development, gives rise to widespread social conflict and constitutes a threat to the unity of society and the national security of Ukraine (Presidential Decree No. 274/2010 of 26 February 2010 on Urgent Measures to Overcome Poverty).

301. Cabinet of Ministers Decision No. 1,057 of 31 August 2011 approved a State special social programme to overcome and prevent poverty for the period up to 2015, which sets out measures to reduce the number of persons living in poverty, including persons with disabilities, and to prevent chronic poverty. The programme requires the central and local executive authorities to promote the employment of persons with disabilities through: (a) prioritized use of the Fund for the Social Protection of Persons with Disabilities for the creation of jobs for persons with disabilities; greater accessibility and effectiveness of vocational rehabilitation for disabled persons; vocational training for such persons in professions or occupations according to labour market needs; and improvement of the system for establishing standards for the recruitment of persons with disabilities with a view to identifying companies in which working conditions are harmful or dangerous; (b) the provision of social protection for persons with disabilities, in particular: prioritized provision of prosthetic and orthopaedic products to children with disabilities in line with their individual needs; higher social benefit rates as provided for in the Act on Social Assistance to Persons with Congenital Disabilities and Children with Disabilities, taking account of the increase in the minimum subsistence level for persons who are unable to work and for children of relevant age; the comprehensive rehabilitation of adults and children with disabilities using existing rehabilitation facilities; and creation of the conditions necessary for the introduction and development of inclusive and integrated education for persons with disabilities in vocational and higher education institutions; (c) the development of a comprehensive system of rehabilitation and recreation for children, including children with disabilities, and improved quality and accessibility of rehabilitation and recreation services; and (d) the implementation and protection of the rights of orphans, children deprived of parental care and children with disabilities, and the prevention and elimination of child abandonment.

**Article 29 — Participation in political and public life**

302. Article 15 of the Constitution states that public life in Ukraine is based on the principles of political, economic and ideological diversity. No ideology may be recognized by the State as mandatory. Censorship is prohibited. The State guarantees the freedom to engage in political activities that are not prohibited by the Constitution or by Ukrainian law.

303. Citizens of Ukraine have the right to freedom of association with political parties and civil society organizations for the purposes of exercising and protecting their rights and freedoms and satisfying their political, economic, social, cultural and other interests, with the exception of restrictions established by law in the interests of national security and public order, protection of the health of the population or protection of the rights and freedoms of other persons. Political parties in Ukraine promote the formation and expression of the political will of citizens, and participate in elections. Only citizens of Ukraine may be members of political parties. Restrictions on membership of political parties are established exclusively by the Constitution and the laws of Ukraine. Citizens have the right to take part in trade unions for the purpose of protecting their labour and socioeconomic rights and interests. Trade unions are civil society organizations that unite citizens bound by common interests that accord with the nature of their occupational activities. Trade unions are formed without prior permission on the basis of the free choice of their members. All trade unions have equal rights. Restrictions on membership of trade unions are established exclusively by the Constitution and the laws of Ukraine. No one may be forced to join any citizens' association or be restricted in his or her rights for belonging or not belonging to political parties or civil society organizations. All citizens' associations are equal before the law (art. 36, Constitution).

304. Citizens have the right to participate in the administration of State affairs and in national and local referendums, and freely to elect and be elected to State and local government authorities. Citizens enjoy equal rights of access to the civil service and to service in local government authorities (art. 38, Constitution).

305. Citizens have the right to assemble peacefully without arms and to hold meetings, rallies, marches and demonstrations, provided that they notify the executive or local government authorities in advance (art. 39, Constitution).

306. Article 1 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine provides that persons with disabilities enjoy full socioeconomic, political and personal rights and freedoms as enshrined in the Constitution and other legislative acts.

307. In accordance with Act No. 4061-VI of 17 November 2011 on Elections of People's Deputies of Ukraine, elections are held on a nationwide basis. Those with a right to vote in elections are Ukrainian nationals who, on the day of voting, are at least eighteen years old. No direct or indirect privileges may be granted to or restrictions placed on the electoral rights of Ukrainian citizens on the basis of race, skin colour, political, religious or other beliefs, gender, ethnic or social origin, financial status, place of residence, language or other characteristics. Citizens who have been recognized by a court as lacking dispositive capacity are not entitled to vote (art. 2). The Act contains the following provisions to ensure that persons with disabilities can exercise their electoral rights: (a) special polling stations must be



established in residential treatment facilities, remand centres, criminal correctional facilities, on ships which, on polling day, are sailing under the flag of Ukraine, at Ukrainian polar stations and in other places where voters with reduced mobility may be temporarily living (art. 21); (b) with the consent of the chairperson or another member of the polling station electoral commission, voters who are unable to fill out a ballot paper on their own because of physical disabilities have the right to assistance by another voter, provided that that person is not a member of an electoral commission, a candidate for parliament or that candidate's agent, a party official or an official observer (art. 85 (5)); (c) in order to ensure that voters with visual impairments can vote, the Central Election Commission is required to prepare templates allowing ballot papers to be printed in Braille (art. 85 (6)); (d) with the consent of the chairperson or another member of the polling station electoral commission, voters who are unable to place the ballot paper in the ballot box on their own because of physical disabilities have the right to authorize another person to do so in his or her presence, provided that that other person is not a member of an electoral commission, a candidate for parliament or that candidate's agent, a party official or an official observer (art. 85 (9)); (e) where voters are included on the electoral register of a polling station but are unable to go there on their own because of a disability, the polling station electoral commission must provide such voters with the opportunity to cast their vote where they are living (art. 85 (1)).

308. Similar provisions are in force to enable persons with disabilities to exercise their electoral rights during elections to the post of President of Ukraine, to the parliament of the Autonomous Republic of Crimea, to local councils and to the posts of village, town and city mayors.

309. In accordance with the requirements on where polling station electoral commissions and polling stations themselves may be set up, approved by Central Election Commission Decision No. 5 of 19 January 2012, voting takes place in specially designated and equipped locations, usually on the ground floor of a building. The polling station must meet the needs of citizens with physical disabilities; in particular, it must have a ramp and an obstacle-free entrance and exit.

310. Central Electoral Commission Decision No. 18 of 26 January 2012 approved a set of standards that electoral commissions must observe in their provision of equipment, fittings, vehicles and means of communication, office equipment and other items of value, in accordance with which, in order to enable citizens with physical disabilities to vote, the polling station should have one ballot booth with an entrance wide enough to accommodate a wheelchair.

311. Civil society organizations for persons with disabilities play an important role in addressing the problems encountered by persons with disabilities. To date, there are more than 2,000 such organizations in Ukraine, including 68 at the national level.

312. Civil society organizations for persons with disabilities and their unions are established with the aim of ensuring equal rights, opportunities and social protection for persons with disabilities and identifying and removing obstacles and barriers that prevent the exercise by such persons of their rights and the fulfilment of their needs, including with respect to access to the physical environment and to transport, information and communications on an equal basis with other citizens and, taking account of their individual capacities, abilities and interests, access to education,

employment, culture, physical exercise and sport; the provision of social services; the involvement of persons with disabilities in public life; and the monitoring by civil society of observance of the rights of persons with disabilities, the representation of their interests and the elimination of all forms of discrimination against them.

313. Civil society organizations for persons with disabilities are involved in the work of permanent and temporary bodies, including advisory and consultative bodies composed of representatives of citizens' groups and State authorities, in events that take place from time to time (such as conferences, seminars, meetings, round tables and consultations) and in the development of draft laws and regulations.

314. State support for civil society organizations includes the provision to businesses and organizations belonging to such citizens' groups of both financial and other assistance, the main types of which are: (a) financial assistance from the Fund for the Social Protection of Persons with Disabilities for businesses and organizations belonging to civil society organizations for persons with disabilities (in the first eleven months of 2011, this assistance amounted to 62.6 million hryvnias, or \$7.83 million); (b) tax benefits (exemption from income and value-added tax, as well as land rental fees) for the businesses and organizations belonging to civil society organizations for persons with disabilities, which are granted on the basis of a decision by the Commission on the Activities of Businesses and Organizations Belonging to Civil Society Organizations for Persons with Disabilities (in the first eleven months of 2011, this assistance amounted to 170,210,000 hryvnias or \$21,280,000); and (c) financial support for the implementation of statutory objectives using State budget resources. In addition, businesses belonging to civil society organizations for persons with disabilities pay reduced compulsory national insurance contributions. Employers who recruit persons with disabilities are exempted from the payment of more than 2 billion hryvnias, or \$250 million, in Pension Fund contributions each year. Businesses belonging to civil society organizations for persons with disabilities use the resources they save through tax exemptions first and foremost to fund, inter alia, material and technical resources for their activities, the upgrading of their facilities, the development of new products, the creation of new posts for persons with disabilities, the support of social infrastructure and the financing of social programmes for persons with disabilities.

315. Civil society organizations for persons with disabilities play a key role in addressing the problems faced by persons with disabilities in Ukraine.

### **Article 30 — Participation in cultural life, recreation, leisure and sport**

316. Under article 23 of the Constitution, every person has the right to free development of their personality if the rights and freedoms of other persons are not violated thereby, and has duties to society, in which the free and comprehensive development of their personality is ensured.

317. Every employee has the right to recreation. This right is ensured through provision for weekly rest days and paid annual leave, the establishment of a shorter working day for certain occupations and industries and shorter working hours at night. The maximum number of working hours, the minimum duration of rest and of

paid annual leave, weekend days and holidays, and other conditions for the implementation of that right, are determined by law (art. 45, Constitution).

318. Citizens are guaranteed freedom of literary, artistic, scientific and technical creativity, protection of intellectual property, copyright and moral and material interests that arise with regard to various types of intellectual activity. Every citizen has the right to the results of his or her intellectual or creative activity; no one may use or distribute those results without his or her consent, except in the cases established by law (art. 54, Constitution).

319. Under article 34 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine, local offices of the State authorities are required to ensure that the necessary conditions are in place for persons with disabilities to have free access to and use of culture and entertainment establishments and sports facilities so that they can take part in physical exercise and sport, and to provide them with special sports equipment. Persons with disabilities may use the above-mentioned services free of charge or at reduced cost in accordance with the decisions of local government authorities in consultation with civil society organizations for persons with disabilities.

320. Persons with disabilities in groups I and II have the right to visit cultural institutions free of charge. Children with disabilities have the right to cost-free tuition in music, fine arts and applied art in general-education establishments or special after-school educational institutions. Persons with disabilities can purchase reduced-cost tickets for theatre performances.

321. The majority of children who require remedial treatment for physical and/or mental development problems are offered the opportunity during the summer to develop their creative abilities in children's rehabilitation camps, through sessions organized in groups and clubs covering environment and nature, tourism and local history, sports, technical subjects and art. Local social service centres also conduct appropriate activities to support the development and adaptation of children with disabilities.

322. In order for persons with disabilities to exercise their right to the free development of their creative abilities, social service centres for families, children and young people regularly hold exhibitions, competitions, festivals at various levels, games sessions, community events and similar activities.

323. Libraries also engage in cultural and educational work for persons with disabilities. In order to give persons with disabilities access to the best works of classical Ukrainian and world literature, libraries organize literary exhibitions, musical, theatre and literary evenings, educational compendiums of literature, seminars, poetry hours and round table discussions on current issues. Libraries nationwide have established "awareness services", "introductory services" and a series of first aid books. Comprehensive and targeted local programmes have been developed and are being introduced.

324. For more than 10 years, a national exhibition of crafts and works of art by Ukrainians with disabilities from all the country's provinces has been held on the day before the International Day of Persons with Disabilities. In 2010, more than 400 works by 260 adults and children with disabilities were exhibited at the event. At the exhibition held in 2011, a total of 63 businesses belonging to civil society

organizations for persons with disabilities exhibited their products, while 250 paintings and other works of art by persons with disabilities were displayed for three days.

325. The State budget also provides funding for arts festivals, competitions and other cultural activities run by civil society organizations for persons with disabilities, such as the national arts festival “On wings of hope” and exhibitions of works of art by persons with disabilities. “Colours of Life”, a national arts festival for works by persons with disabilities, was launched in 2009.

326. Ukraine pays great attention to developing physical training and sports for persons with disabilities. In 1993, for example, in line with a decision of the Cabinet of Ministers, the Invasport national centre for physical training and sports for persons with disabilities and 27 regional Invasport centres were opened. Today, 109 branches of the regional Invasport centres are operational across the country’s cities and provinces, as well as 174 physical training, sport and rehabilitation clubs for persons with disabilities and 27 sports schools for children and young people with disabilities.

327. More than 50,000 adults with disabilities and 22,000 school-age children with disabilities attend sports-based rehabilitation groups and sports organizations to participate in 27 types of sport.

328. Each year, more than 250 championships, competitions and cup contests are held in 19 sporting disciplines for persons with visual, hearing, mobility and intellectual impairments.

329. A national centre for Paralympic and Deaflympic training and rehabilitation of persons with disabilities and a western sports-based rehabilitation centre have been established to ensure appropriate conditions for physical training and sports for persons with disabilities. The aim of those centres is to facilitate rehabilitation through physical training and sports and the provision of rehabilitation services for persons with disabilities and to ensure the conditions necessary for the training of Paralympic and Deaflympic athletes.

330. In line with the Consolidated Schedule of Physical Rehabilitation and Sporting Events, athletes with disabilities participated in 71 international events in 2011 (that number was 33 in 2009 and 52 in 2010); the athletes won 168 gold medals (92 in 2009 and 107 in 2010), 176 silver (67 in 2009 and 109 in 2010) and 127 bronze (74 in 2009 and 79 in 2010).

331. Ukrainian athletes with disabilities have achieved the following: (a) at the X Paralympic Winter Games in 2010 in Vancouver, Canada: third overall team place (19 medals: five gold, eight silver and six bronze); (b) at the 21st Summer Deaflympics in 2009 in Taipei, Taiwan: second overall team place (67 medals: 20 gold, 22 silver and 25 bronze); and (c) at the XIII Paralympic Games in 2008 in Beijing, China: fourth overall team place (74 medals: 24 gold, 18 silver and 32 bronze).

332. In 2011, athletes with disabilities participated in 57 national competitions (17 in 2009; 55 in 2010); 185 training camps were held for members of the national teams of athletes with disabilities (167 in 2009; 121 in 2010) and five training camps were held abroad (six in 2009; four in 2010).

333. The national sports championship for children with disabilities, “Believe in yourself”, is held annually; more than 30,000 children with disabilities take part in the qualifying rounds.

334. A national football tournament for persons with disabilities has been held since 2004. Children in the care of residential institutions and neuropsychiatric homes within the labour and social welfare system take part in the semi-final of the International Football League for the Disabled, the SENI Cup. The final takes place in Poland (in Torun) with the participation of teams from Germany, Hungary, Poland, Slovakia, the Czech Republic, Bulgaria, Lithuania, Latvia, the Russian Federation, Belarus and Ukraine. In 2012, sports competitions between children in care are to take place not only in football, but also in other sports such as draughts, chess and darts.

#### **Article 31 — Statistics and data collection**

335. Article 41 of the Act on Rehabilitation of Persons with Disabilities in Ukraine provides for the compilation of information resources about the rehabilitation of persons with disabilities as a centralized repository of data on disability issues that contains information on, inter alia, rehabilitation institutions, the nature and causes of disabilities, the level of education and vocational training of adults and children with disabilities, the composition of their families, their income levels and their requirements with respect to technical and other rehabilitation equipment, medical products, rehabilitation services, treatment in sanatoriums and adapted means of transport.

336. The same article also provides that, on the basis of those resources, the authorities are required to carry out social monitoring, planning and forecasting of the needs of adults and children with disabilities in terms of technical and other rehabilitation equipment, medical products and rehabilitation services. The executive authorities and local government authorities are required to ensure that persons with disabilities have access to information resources in accordance with the right of such persons, as provided by law, to rehabilitation and opportunities to obtain rehabilitation equipment and services and certified products manufactured by prosthetics and orthopaedics companies, etc.

337. In accordance with Cabinet of Ministers Regulation No. 121 of 16 February 2011 on a centralized repository of data on disability issues, the data repository contains: (1) general information concerning adults and children with disabilities (name, day, month and year of birth, identification number in the State register of natural persons for the purposes of tax and other compulsory payments, registered address); (2) passport details or, for children under 16 years of age, birth certificate details; (3) details of documentation confirming the right to receive State benefits; (4) data on: (a) the nature (code under the International Classification of Diseases) and causes of disability, and the level of education or vocational training of the adults or child with a disability; (b) the composition of families of adults and children with disabilities; (c) those families’ incomes; (d) requirements for technical and other rehabilitation equipment, prosthetic and orthopaedic products, medical products, rehabilitation services, adapted means of transport, treatment at sanatoriums, etc.

338. The Ministry of Social Policy is responsible for coordinating the activities of those who work with the data repository at all levels, as well as monitoring its construction and operation.

339. The State Service for Persons with Disabilities and for War Veterans analyses the completeness of the centralized data repository with respect to information on the provision to persons with disabilities of vouchers for sanatoriums and with vehicles, technical and other rehabilitation equipment, refund of the costs of petrol, vehicle repairs and servicing, transport services and the cost of independently financed treatment at sanatoriums instead of vouchers issued for that purpose.

340. The draft national plan of action to implement the Convention on the Rights of Persons with Disabilities and develop the system for rehabilitation of persons with disabilities provides for an increased number of indicators regarding persons with disabilities in State statistical reports and administrative data and for the development and modernization of, and technical support for, the consolidated disability issues data repository.

#### **Article 32 — International cooperation**

341. Article 18 of the Constitution provides that the foreign policy activities of Ukraine are aimed at ensuring the country's national interests and security by maintaining peaceful and mutually beneficial cooperation with members of the international community, in accordance with the universally recognized principles and rules of international law.

342. Under article 9 of the Act on the Framework for Social Protection of Persons with Disabilities in Ukraine and article 44 of the Act on Rehabilitation of Persons with Disabilities in Ukraine, the central and local executive authorities, local government authorities and civil society organizations for persons with disabilities are required, within the limits of their competence, to facilitate the development of international cooperation on issues relating to persons with disabilities.

343. On 30 and 31 May 2011 in Odesa, the Ministry of Social Policy held a European conference on the implementation of the Council of Europe action plan to promote the rights and full participation of persons with disabilities in society 2006-2015; over 160 participants from 30 Council of Europe member States attended. During the conference, there was detailed discussion of specific priority areas for the implementation of the action plan over the course of the first five years, and implementation priorities over the next five years were also identified.

344. In Ukraine a number of joint international projects are under way. Firstly, over a five-year period and with the financial support of the Canadian International Development Agency, a Canadian-Ukrainian project on inclusive education for children with special needs in Ukraine is being implemented (the project has been piloted in Lviv and Simferopol) with the aim of changing negative attitudes towards children with disabilities among the general public, teachers at general-education establishments and parents' associations through the development of inclusive education, which includes a process of improving public policy, engaging civil society and training experts in order to achieve established goals. Secondly, since 2008, the State Employment Service, the United Nations Development Programme and the International Labour Organization have worked jointly with 90 employment centres to implement a technical cooperation project on the social integration of

persons with disabilities through access to employment, with a view to improving the delivery of employment services to persons with disabilities. Thirdly, within the framework of a memorandum of understanding on cooperation between the Ministry of Labour and Social Policy of Ukraine and the Federal Ministry of Labour, Social Affairs and Consumer Protection of Austria regarding labour and social policy for the period 2011-2013, and under its programme of work, Ukrainian experts participated in several events on vocational rehabilitation for persons with disabilities, in particular on the subjects of the vocational assessment, rehabilitation planning, intermediary support and vocational rehabilitation, particularly for specific target groups, as well as a seminar for Ukrainian experts on the vocational rehabilitation of persons with disabilities.

345. In 2011, representatives of the Ministry of Social Policy also attended the following events: (a) the fifth meeting of the secretariat of the European Coordination Forum for the Council of Europe Disability Action Plan 2006-2015, held in Paris; (b) an international seminar on implementing the Council of Europe Disability Action Plan 2006-2015, organized by the Council of Europe Directorate General of Social Cohesion and the Ministry of Labour and Social Security of Azerbaijan and held in Baku; (c) a meeting of experts of the European Coordination Forum for the Council of Europe Disability Action Plan on promotion of the rights of persons with disabilities and their full participation in society and on improving the quality of life of such persons in Europe during the period 2006-2015 (held in Strasbourg, France); and (d) an international conference entitled “The Convention on the Rights of Persons with Disabilities: towards equal opportunities”, held at Bulan-Sogoty in the Issyk-Kul province of the Kyrgyz Republic. Ukrainian experts also learned about the experience of inter-agency work to implement and operate the information management system relating to social welfare for persons with disabilities in France under the Technical Assistance and Information Exchange TAIEX programme.

346. From 12 to 15 September 2011, at the invitation of the Republic of Lithuania, a working group of representatives of the Ministry of Social Policy of Ukraine learned about the Lithuanian system for providing persons with disabilities with technical and other rehabilitation equipment.

347. The Ministry of Social Policy has planned a twinning project to ensure that Ukrainian legislation conforms to the legislation and standards of the European Union regarding the vocational rehabilitation and employment of persons with disabilities.

348. Similarly, civil society organizations for persons with disabilities are participating in the organization and implementation of international cooperation projects; they regularly conduct meetings with foreign organizations for persons with disabilities and participate in the work of a number of governmental and non-governmental international organizations. In Ukraine, similar events are organized with the active cooperation of the national authorities.

### **Article 33 — National implementation and monitoring**

349. The legislative regulation of relations with respect to social protection, including for persons with disabilities, is carried out by the Verkhovna Rada, as the only law-making body in Ukraine, through the adoption of laws.

350. Of the 26 committees of the Verkhovna Rada, eight cover topics related to social and humanitarian policy (the Committee on Pensioners, Veterans and Persons with Disabilities; the Committee on Social Policy and Labour; the Health-Care Committee; the Committee on the Family, Youth Affairs, Sports and Tourism; the Science and Education Committee; the Committee on Environmental Policy, Environmental Management and Elimination of the Consequences of the Chernobyl Disaster; the Culture and Religious Affairs Committee; and the Committee on Human Rights, Ethnic Minorities and Inter-Ethnic Relations); those eight committees are involved in drafting legislation and give preliminary consideration to issues within the competence of the Verkhovna Rada.

351. The President of Ukraine is the Head of State and guarantor of the Constitution and of human and civil rights and freedoms.

352. In order to facilitate coordination between the ministries and other central executive authorities, a council for the affairs of persons with disabilities has been established under the authority of the Cabinet of Ministers of Ukraine, chaired by the Deputy Prime Minister and Minister for Social Policy. The main objectives of the Council are to coordinate the work of the executive authorities in dealing with legal, economic and social issues relating to persons with disabilities; to prepare proposals for the development and implementation of public policy on social protection for persons with disabilities and improvement of the legal framework for such protection; to identify approaches, mechanisms and methods for addressing problems related to the implementation of State policy on the social protection of persons with disabilities.

353. A number of central executive authorities have been assigned competence to deal with matters regarding State social and humanitarian policy, including policy on the social protection of persons with disabilities, in addition to certain powers to address social protection issues; those authorities are the Ministry of Social Policy, the Ministry of Education, Science, Youth and Sports, the Ministry of Health, the Ministry of Culture, the Ministry of Finance, the Ministry of Defence, the Ministry of Justice, the Ministry of the Interior, the Ministry of Infrastructure and the National Security Service.

354. Authority to develop and implement public policy on the social protection of the population, including persons with disabilities, lies with the Ministry of Social Policy.

355. The State Service for Persons with Disabilities and for War Veterans is responsible for coordinating the activities of the central and local executive authorities, local government authorities and businesses, institutions and organizations to implement the Convention on the Rights of Persons with Disabilities.

356. In addition, the State Service for Persons with Disabilities and for War Veterans has been given the authority to conduct analyses, jointly with civil society organizations for persons with disabilities, of the extent to which persons with disabilities have access to housing, public places and facilities, transport, information and communications and other facilities and services; to submit proposals to the central and local executive authorities and bodies of local self-government for the development of an environment free of barriers; to cooperate with civil society organizations for persons with disabilities and veterans,



allocate funds provided for in the State budget to support civil society organizations for persons with disabilities that have the status of national organizations; and to monitor the activities of those organizations on the basis of allocated funds and assess the effectiveness of such activities.

357. State policy on the social protection of persons with disabilities is implemented on the basis of laws and regulations and through the development and implementation of State and regional special programmes, research and technical programmes, plans, etc.

358. Local government authorities also have important powers regarding the social protection of persons with disabilities, including the financing, in accordance with established procedures, of costs from the local budget, including programmes for the social protection of persons with disabilities; the establishment of additional guarantees for the social protection of persons with disabilities, using both their own and charitable funds; the allocation of land to persons with disabilities as a matter of priority for non-commercial building, vegetable-growing and other gardening activities; and organization of the activities of residential homes for adults and children with disabilities who require nursing care and domestic and medical services.

359. Such authorities also exercise the following powers related to the social protection of persons with disabilities: the provision, in accordance with the law, of medicines and medical products to persons entitled to receive welfare benefits; decision-making, in accordance with the law, with regard to State funding for the study, in special educational establishments, of persons with physical or mental development problems who are unable to attend general-education establishments; decision-making with regard to granting persons with disabilities the right to use cultural, physical exercise and sports facilities either free of charge or at reduced cost; ensuring the implementation of activities provided for by law to improve the living conditions of persons with disabilities in terms of their accommodation, material and day-to-day needs; in accordance with the procedure established by law, the reservation of posts for persons with disabilities in businesses, institutions and organizations, regardless of those entities' form of ownership; decision-making with regard to the establishment, in businesses, institutions and organizations, of special posts for persons with limited work capacity, organization of the training of such persons and the negotiation of agreements to phase out such posts; the State registration of non-profit organizations, including civil society organizations for persons with disabilities and others.

360. Civil society organizations for persons with disabilities play an important role in the formation and implementation of public policy relating to the social protection of persons with disabilities and the implementation of their rights. A major focus of their activities is cooperation with the national authorities, which takes various forms depending on the purpose and nature of the work carried out, the extent to which powers are delegated to the entities involved and the scale of cooperation, and involves the civil society organizations to the greatest extent possible in the implementation of a system-wide legal framework for the social protection of persons with disabilities and in consultation on the drafting of acts, regulations and national programmes to assist persons with disabilities through the preparation and provision of a package of information on the needs and priorities of such persons with regard to various aspects of life, etc. Furthermore, such civil

society organizations monitor compliance with acts and regulations in force relating to persons with disabilities.

361. It should also be noted that State bodies whose work relates to the formulation and implementation of public policy regarding persons with disabilities and civil society organizations for persons with disabilities were consulted in the drafting of this report.

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