

# **Ukraine**

## **Report to the UN Universal Periodic Review**

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### **Coalition of NGOs submitting the report:**

National Assembly of Persons with Disabilities of Ukraine

Ukrainian Helsinki Human Rights Union

All-Ukrainian Non-Governmental Organization “Coalition for Persons with  
Disabilities”

Luhansk Oblast’ Youth Non-Governmental Organization “AMI - Skhid”

The Coalition is an informal association created in February 2012 specifically for joint preparation of this report. It allows covering the issues of protection of rights of the people with disabilities, including social/economic rights, in Ukraine most fully and comprehensively.

The Coalition is composed of:

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## **1. General overview**

1.1. This report prepared by human rights organizations within the Coalition address topical issues of economic and social rights (right to adequate standard of life, social protect, right to work) and general aspects of adherence to human rights of disabled people.

## **2. Right to adequate living standard**

2.1. The standard of living keeps decreasing; poverty remains most crucial issue for many people.

2.2. Official data with respect to reduction of poverty in the country are somewhat misleading as the number of indigent people is assessed not against the criteria developed for European countries, but against a figure calculated for Eastern Europe and Central Asia, i.e. USD 5 of daily expenses. The trade unions also point out that the problem of poverty is topical. The Federation of Trade Unions of Ukraine specifies that the poverty rate is on the increase. The poverty line, according to their data, constitutes USD 128 of monthly income or less. It means that the actual poverty rate amounts to 25.4 %. 1 Ukrainian in 4 cannot earn his/her own living, let alone family members' living. Every second family with three or more children lives beyond the poverty line. <sup>1</sup>

2.3. Kyiv International Institute of Sociology offers data under which the number of people who do not have enough money to buy food has increased up to 17,5% within first six months of 2011, while the number of people who can afford to buy costly things 9 i.e. TV set, refrigerator) decreased from 7.1 to 4.9% . The number of people who can afford all they want went down from 0.2 to 0.1%.<sup>2</sup>

2.4. The government activities aimed at overcoming poverty and ensuring people's right to adequate living standards, so far have not been efficient. Thus, according to Accounting Chamber (the body in charge of parliamentary control over the use of budget funds) the tasks set up for the Government, formulated in the Strategy for overcoming poverty and Complex program for its implementation in 2002-2009, were not fulfilled, and anticipated indicators of poverty rate never achieved. It can be explained by the fact that the Ministry of Labour as state contractor and, at the same time, executor of the Complex program for the implementation of the Strategy for overcoming poverty failed to ensure its fulfilment, which had a negative impact on living standards of the population and rate of poverty reduction.<sup>3</sup> Between 2010 and late August, 2011 Ukraine had no strategy or program for overcoming poverty at all. The State target social program for counteracting and preventing poverty was approved only on August 31, 2011.

2.5. "The cost of living" which is the main criterion for determining the salary rate and social benefits is still defined on the basis of a set of food products, non-foods and services, approved 11 years ago by governmental resolution of 14.04.2000.

2.6. The rate of the "cost of living" currently does not allow satisfying even most basic needs of the people. The Law on state budget defined the "cost of living" by January 2012 at the amount of USD 127 per month. Considering this figure one should take into account the increase in consumer prices over the recent years. Thus, under the data collected by the Ministry of social policy, actual amount of the cost of living for August 2011 constituted USD 131 UAH, thus exceeding by 2011 the volumes stipulated for 2012. Consequently, this minimized amount of the cost of living in fact leads to decrease in pensions, salaries, subsidies to the low-income categories and diminishing in real income of the population as it is used for its calculation.

2.7 Contrary to Constitutional provisions and Law On State Social Standards and State Social Guarantees the Cabinet of Ministers is using the indicator of "level of ensuring the minimum cost of living" thus illegally restricting the level of social benefits. The use of this "surrogate" index constituting about 50% of the cost of living ( which, as mentioned above, is obsolete and does not reflect the actual needs), reflects the state incapacity of meeting basic social standards and ensuring the increase in living standards of population

2.8. The right to adequate housing is violated systematically. Rather often the state action in this area remains inefficient. One Ukrainian is entitled, on the average, to only 23 "squares" of housing – almost twice less than respective index in Europe and three times less than in the US. Now about 1.2 million families are on the waiting list for apartment. In the future, taking into account inevitable wear and tear and very slow renovation of housing fund, the situation will predictably deteriorate. In 2010 only 6 million of new housing "squares" were commissioned; (another 3 million are legalized objects

which have been under construction for 10-15 years), which is almost three times less than in 1990. Under the Ministry of Regional Development statistics, since the beginning of the year the scope of unfinished constructions remains almost unchanged – about 4 thousand of objects with total area of 17 million square m (about 200 thousand apartments).<sup>4</sup>

2.9. The purchase of housing for an average Ukrainian is practically out of question. Although the interest rates on credits eventually go down, they still remain far beyond reach of potential buyers. In order to get mortgage for USD 60 thousand at 15% annual interest, the loan-holder must earn USD 1750 per month. Under the data collected by the State Statistics Committee, an average salary by August constituted about USD 337.<sup>5</sup>

### ***Recommendations***

- ensuring implementation of the State target social program for counteracting and preventing poverty.

- introducing changes into calculations of basic indicator in the system of social security - "the cost of living", in particular, determining the new set of food products, non-foods and services, developing new methods to be used in calculating this indicator.

- rejecting the use of the "level of ensuring cost of living" indicator, which groundlessly diminishes minimum social benefits declared by the law;

- implementing measures, aimed at making housing affordable, making unwarranted evictions inadmissible (e.g. hostels and dormitories), banning the violation of the right to housing for vulnerable categories of population;

- ensuring adequate funding and introducing clear and efficient mechanisms for the implementation of subsidized housing programs; developing the network of re-integration centres, social hotels for the victims of domestic violence, homeless people etc.

## **3. Right to social protection**

3.1. The Ukrainian system of social protection for most vulnerable categories of society is not efficient. Especially it is true with respect to social benefits. In general, over 50 normative and legal acts determine whether a person is entitled to benefits. These acts are constantly changed and amended with new provisions. The number of people entitled to benefits has reached over 13 million (social benefits) and about 3.2 million (professional benefits). It means that one third of Ukrainian population is entitled to some form of benefits. The total scope of benefits, over 600 in number, calls for allocation of new funds every year. The majority of benefits cannot be covered by the state and in fact are not granted, or are granted in smaller amounts. The benefits dating back to soviet times, as well as those created recently without due justification or system, not only fail to resolve the problems of social protection for public, i.e. decrease poverty, but, on the contrary, lead to social strain and injustice. Substantial portion of benefits is paid without any relevance to the people's income. As a result, the people who real need them get minor benefits, as there is no money to pay them in full. Meanwhile, the Parliament is registering new initiatives, aimed not at adjusting existing system, but at unsystematic and financially unsecured increase in benefits. The living standards of population go down and the current system of social protection through benefits proves inefficient under the circumstances.

3.2. Over the recent 4 years a practice of restricting social and economic rights by introducing respective amendments into the law on state budget for the next fiscal year has become widely spread. Parliament, passing the Law on state budget for the next fiscal year in fact bans or restricts the validity of many norms establishing certain benefits and compensations for some categories of population. Under the Law on state budget for the next fiscal year the government is entrusted with the right to establish "manually" specific amounts of subsidies for certain vulnerable categories of population depending on the financial situation of the state. Due to this approach the scope of benefits established by the government often fails to meet the real need.

3.3. In fact, this is narrowing of content and scope of the right to adequate living standard, guaranteed by article 22 of the Constitution. It is noteworthy that for significant number of citizens' benefits, compensations and guarantees stipulated by legislation in force, are significant supplement to their income, necessary component of the constitutional right to adequate living standards.

3.4. In this context, decision of the Constitutional Court of December 26, 2011 is rather significant. It changes approach to assessing the state authority in restricting social and economic

rights and in fact entrusting the Cabinet of Ministers with right to establish “manually” specific amounts of subsidies for certain vulnerable categories of population depending on the financial situation of the state. Earlier, at several instances it classified such practices as unconstitutional. The new approach caused serious criticism both among the experts and judges of the Constitutional Court. It was pointed out the court should avoid law-making activity and substitution of valid norms or introduction of the new ones by its rulings. The Constitution bears no provisions concerning restricting of human rights due to the shortage of financial resources; therefore, by its ruling the court practically amended the Constitution with a non-existent legal norm. Besides restriction of human rights due to the shortage of financial resources, in fact, is contrary to the international obligations.

3.5. There is no real reforming in the system of benefits with due consideration of the principles of social justice. A well-balanced governmental social policy is not in place. Same can be said about adequate coordination of operation between the bodies of power in charge of social policy implementation, i.e. between parliament, government and the Ministry of Social Policy. For example, the Cabinet of Ministers approved the Strategy for adjusting the system of benefits for certain categories of population till 2012 imposing moratorium on establishing new categories of people, entitled to benefits, while parliament keeps passing new laws introducing new benefits, and the Ministry of Social Policy does not know how to implement the Strategy and, consequently, does nothing for its implementation.

3.6. The available budget funds for the benefits are used inefficiently. The state declares the efficiency of the current benefits system, claiming that it can ensure the coverage of cost of living for its beneficiaries. However, the amount of costs, needed for the fulfilment of social promises, is rather large, so that benefits often are underfinanced. The shortage of funding leads to the restrictions in social and economic rights of the public. More often than not the declared benefits remain just a declaration.

### ***Recommendations***

- Reforming the system of social benefits: dividing the legal norms into those that guarantee social and economic rights and those that grant certain benefits on the virtue of certain official position or merit;
- putting an end to non-compliance with legal norms stipulating realization of social and economic rights;
- ensuring full scope of funding for the legal guarantees of social and economic rights;
- eventually reducing of direct state funding portion in covering social needs and enhancing of the portion covered by population due to the increase in incomes, first of all, in salaries, pensions and other types of social transfers;
- introducing uniform targeted social support for emergency situations – death of a family member, serious disease, natural disaster, social conflicts;
- ensuring strict correlation between the offered benefits and sources and mechanisms for compensation of the expenses to benefits-givers;
- introducing unified approaches in determining state budget expenses for the reimbursement of social benefits to the suppliers;
- continuing the pension system reform through introducing legal provisions on accumulative rate; creating necessary preconditions for it;
- providing guarantees for the implementation of the national courts’ rulings concerning payment of benefits, where government is defendant.

## **4. Right to employment**

4.1. Official rate of employment does not reflect the actual situation. Vacancies offered to public, usually envisage very low levels of salaries, incapable of providing people with adequate earning for the upkeep of themselves and their families.

4.2. The rate of hidden unemployment is really high. Often employees are forced to work part-time, or stay on unpaid vacations. Only under official data of the State Statistics Committee, the number of such employees amounts to 300,000<sup>6</sup>, while real figures are much higher. Beside, a lot of people work in the informal sector of economy (agricultural production in rural areas, temporary jobs in the cities).

4.3. Meanwhile the amount of unemployment benefits does not ensure minimum rate needed for a person's survival. For example, the amount of unemployment benefit for the persons officially recognized as unemployed constituted by January USD 63.

4.4. The work is not reimbursed fairly. Re-creative, incentive and social role of salary is out of question in the situation when a lot of Ukrainian get salaries below the minimum rate (which constituted by mid-2011 USD 120, while half of the working population, according to official data, get a salary up to USD 250.<sup>7</sup> It is noteworthy that almost half of people's income is accounted for not by the salaries, but by social benefits.

4.5. Ukraine is unable to ensure efficient functioning of the system of adequate salaries for the employees of the budget sphere, especially with respect to established minimum rate of salary in this sphere. The payment of arrears in salaries is not realized either. According to data collected by the Ministry of social policy the employers by September 2, 2011, owed their workers USD 137.5 million. The State Statistics Committee states that the amount of debt on salaries keeps increasing, and by October 1, 2011 constitutes already USD 147.5 million.<sup>8</sup>

4.6. Labour safety remains one of the most acute problems. The rate of work-related accidents is very high, including lethal accidents; the occupational diseases thrive. The mortality rate is highest in the coal-mining industry – within 9 months of 2011 it has increased by more than 20% as compared to the same period in 2011. 3,218 accidents occurred over this period of time in coal-mining enterprises; 125 had lethal consequences.<sup>9</sup> Besides, the state does nothing to prevent work injuries and to ensure adherence to sanitary and hygiene requirements to work safety.

4.7. The workers employed outside Ukraine are also most vulnerable. Currently the state is implementing an inefficient migration policy; viable mechanisms of migration assessment, which would reflect the real number of migrants, are not available. Often there are no bilateral treaties between Ukraine and countries which host substantial Ukrainian communities, with respect to ensuring labour and social rights of migrants. Some of important international conventions in this area have not been ratified, specifically the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

4.8. Considering more and more frequent instances of labour rights violations, the operation of trade unions acquires utmost importance. Unfortunately, instead of supporting the unions, the state tries to restrict their influence and build obstacles for their operation.

4.9. For example, one of the largest trade union organizations – Federation of Ukrainian Trade Unions – is subjected to constant pressure. It has undergone various inspections; criminal proceedings against trade union members were initiated. Besides, the property of the organization became a target for incriminations. Another violation of trade union rights was the setting up of Alternative Trade Union of Maritime Transport Workers by the State Directorate of Maritime and River Transport. The members of the existing trade union were forced to enter the new one. The officials from the Ministry of Education, Science, Youth and Sport, in their turn, put forward an illegal request to Kirovohrad oblast' educational institutions to reveal information concerning the payment of trade union fees.<sup>10</sup>

**Recommendations:**

- increasing the amount of unemployment package correlating it with minimum cost of living, which is a basic indicator of social security;
- reducing unemployment rate, first of all, among the most vulnerable categories of society, i.e. young people, people before retirement, people with disabilities;
- increasing salary share in GNP and cost value of the products;
- adjusting minimum salary in accordance with European Chart requirements;
- ensuring efficient differentiation of salaries in budget area through the use of Unified tariff grid; putting an end to practices of establishing minimum remuneration for budget institutions' employees lower than minimum cost of living;
- cutting down arrears in salary payments for budget institutions' employees; taking measures aimed at cutting down arrears in organizations and enterprises of all types of property;
- enhancing labour safety with the goal of reducing the rate of work-related accidents and occupational diseases, through improving respective legislation and implementing preventive programs;
- enhancing control of adherence to standards and requirements with respect to labour safety; ensuring quick and efficient investigation of work-related accidents;

- improving state control over observance of labour rights; setting up efficient mechanisms for dealing with violations;
- signing bilateral treaties concerning employment and social protection of the migrant workers' rights between Ukraine and countries hosting large numbers of Ukrainian migrant workers in cases when these treaties are not yet in place;
- ratifying respective international documents in support of employment and social protection of the migrant workers' rights. Specifically, ratifying the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; Maritime Labour Convention of 2006;
- ensuring strict adherence to trade union rights, supporting strong and independent trade union movement.

## **5. Rights of people with disabilities**

5.1. The legislation tends to treat the notion of "disability" in social aspect rather than in the focus of this category's rights observance. The Fundamentals of Social Protection of the Disabled (the Fundamentals) is oriented at "social protection" of people with disabilities (providing targeted material assistance, special technical equipment etc.) The mechanisms for socializing the disabled into society and family are not developed. The Concept for Social Adjustment of People with Mental Retardation<sup>11</sup>, in particular, states that "improvement of system of social adjustment for people with mental retardation remains most topical task in the area of social protection..."

5.2 The legislation addressing protection and exercising of rights for peopled with disabilities, although declaring its social focus, is not based on human rights. In particular, the principles spelled out in Article 3 of the Convention on the Rights of Persons with Disabilities, are not reflected at all in the Law. Therefore, main guidelines and concepts which should be included into the system guaranteeing disabled rights are not defined by a single norm.

5.3 The legislation regulating legal relations between people with disabilities and bodies of authority uses most vague definitions of the state obligations in its dealings with the disabled, while failure to fulfil these obligations does not entail any liability under the law. As a result the mechanisms of protection against rights' violations are very weak.

5.4 The Constitution contains no guarantees as to inadmissibility of restricting the rights of people with disabilities, either physical or mental. It contains no norm banning discrimination. Article 24 of the Constitution uses the definition "other characteristics", which can refer to disability or health condition (although practice testifies to different interpretation<sup>12</sup>); this norm, however, does not cover all the aspects of discrimination banning and refers only to the citizens. The fundamental notions, necessary for legal protection from discrimination – i.e. "discrimination", "direct discrimination", "indirect discrimination", "stigmatizing" etc. – are not defined either.

5.5 The legislation addressing protection of the disabled children is in compliance with main provisions of the Convention on the Rights of Persons with Disabilities. However, the majority of its provisions do not stress the state's obligations, but mildly requests "support" and "setting up appropriate conditions" for such children, making the defence of violated rights in courts impossible.

5.6 There are no legislative norms or provisions regulating rights of people with disabilities in heightened risk situations (armed conflicts, natural disasters) and emergencies.

5.7 The mechanisms of efficient access to justice for people with disabilities, especially through help of pro bono attorneys, appointed by the state, are not operational:

The state funds can cover only attorney's help in criminal cases, if decision concerning such help is made by investigative body or court (resolution of the CMU № 821 of 14.05.1999 "On approving the procedure for reimbursement to attorneys providing pro bono legal assistance to the public in criminal cases");

Section 36-1 § 5 of the Law On Prosecutor's Office establishes that "the prosecutor discretionally decides upon the need of court representations, forms of this representation and can represent the parties in the order prescribed by the procedural law". The said norm does not oblige the prosecutor's office to represent people with disabilities in courts; it only grants entitles it to do so, deciding on expediency of this measure at its own discretion.

5.8 The legislation does not address the concepts and principles of protection physical and mental integrity as defined by the Convention on the Rights of Persons with Disabilities.

5.9 At the legislative level the norms ensuring mechanisms for the disabled involvement in public life and community operation are in place. On the other hand, the services and common use premises are not always available or attainable for people with disabilities and fail to meet their needs.

5.10 The concept of “individual mobility” defining maximum level of people with disabilities’ independence, is absent from legislation.

5.11 Efficient norms ensuring people with disabilities’ access to information are absent from legislation:

The state support for mass media, publishing houses and companies editing specialized printed materials, audio- and video- production for people with disabilities is not enough;

The real needs and capacities of people with disabilities are not always taken into account in developing and manufacturing the means of communication and information;

The needs of people with impaired hearing are partially satisfied with sign-language interpretation services and special hearing devices. The Law “On TV and radio broadcasting” does not specify responsibilities of national broadcasters for lack of sign language interpretation of their programs. They are held liable through administrative methods used by National Council on TV and radio broadcasting. Ultimately, the country lacks sign language interpreters, programs supplied with sign-language interpretation; at the level of local broadcasting they are virtually non-existent.

5.12 The law does not stipulate creation of educational programs for people with disabilities with respect to reproductive behaviours and family-planning. A disabled person is not a beneficiary to state program of reproductive health and in-vitro fertilization.

5.13 The legislation does not stipulate control mechanisms for monitoring the higher educational institutions in terms of their compliance with the requirements of premises’ accessibility to people with disabilities who want to study. There are also other obstacles:

The current list of medical restrictions for people with disabilities as to their studies in the higher educational institutions, approved by the Ministry of Health, stipulates, in particular, that in case when studies could deteriorate the person’s disease, this person should not be allowed to study;

Lack of independent testing mechanisms. For example, the people with disabilities not always can request an independent testing or pay for it; often the required ramps are not available in the venues of testing.

5.14 The law does not offer mechanisms guaranteeing and providing funding for the needed infrastructure with respect to people with disabilities. The articles concerning health care for people with disabilities are not guaranteed. There are no normative-legal acts prescribing hospital wards’ furnishing and equipment for people with disabilities of different nosologies. In some areas the legislation stipulating early diagnostics which can help to avoid disability, is absent (in particular, psychiatry does not envisage diagnostics and examination of pre-school and schoolchildren).

5.15 Violation of right to health care and rehabilitation for people with disabilities is manifested also in irregular sanatorium and resort treatments ( apart from people with work-related injuries or occupational diseases); absence of high-quality technical and medical rehabilitation means ( which hinders social adjustment); absence of special rehabilitation/sport facilities, equipped with adequate devices and staff, in rayon cities; sometimes insulin is not supplied on regular basis; the non-protein diet is not backed up financially (for phenyl-ketonuria). Not a single woman’s clinic has a ramp to make it accessible for women on wheel-chairs; majority of medical institutions do not have specially equipped lavatories, elevators, medical escort for people with impaired hearing or sight.

5.16 The state program for the development of rehabilitation and employment system for people with limited physical capacity, mental disorders or retardation till 2011 (approved by the CMU resolution no.716 of May 12, 2007) envisaged launching of primary and further education for specialists and staff working in habilitation and rehabilitation services as well as approval of state social normative in the area of rehabilitation for adults and children with disabilities. Meanwhile, respective norms are still not in place, as well as the mechanisms or programs for specialized training.

5.17 In work and employment area there are no efficient mechanisms for creating working places within 4% of total number of working places for people with disabilities. Currently only court penalties can force an enterprise to create such working places. As a result the employers are not ready to employ a specialist with disability; the working place does not meet the requirements for the said category of employees; social partnership in the sphere of employment for people with disabilities is non-existent (e.g. there is no transportation system to bring a person on a wheel chair or blind person



to work; social escort is unavailable; no specialized work-shops set up for people with disabilities, apart from those initiated by NGOs).

5.18 The minimum cost of living for a non-working person (and people with disabilities need special foods, clothing, housing) is calculated at lower rate than that of the working person, although the former's needs are often more cost-consuming. Under Article 12 of the Law On State Budget for 2012 this cost, for persons capable of working, amounts since January 1 to USD 134, and for the disabled - to USD 102.

5.19 The governmental social protection system for people with disabilities in need of external care, envisages only care in the boarding institutions of the state social protection system. People are placed in these facilities not taking into account their wish, as there are no alternative means of care stipulated by the state: payment for care, given by family members to a disabled adult or child amounts to 15% of the minimum cost of living (about USD 18). Currently 53,979 persons are kept in the boarding institutions for their whole life and totally isolated from any community life.

5.20 The property rights of the boarding institutions residents are violated. Namely, Article 32 of the Fundamentals stipulates that "the disabled person placed in boarding homes or other welfare facilities, retain the right to their housing for 12 months. If he/she exceeds the term of stay in an institution his/her unoccupied housing is transferred to satisfy the needs of other people with disabilities, who need improvement in their living conditions", which is a violation of the Convention on the Rights of Persons with Disabilities and other international treaties.

5.21 There are no guarantees for various types of governmental loans or mortgages for people with disabilities. The main obstacles on their way to housing are posed by their financial incapability.

5.22 The state has neither vision nor concept for de-institutionalization and creation of support network for independent community based living of people with disabilities. The agencies for temporary or permanent stay of persons with mental retardation are not included into the Budget Code and, therefore, receive no state budget funding as guaranteed by Article 37 of the Ukrainian Law "On Rehabilitation of Disabled Persons in Ukraine" and Article 19 of UN Convention of the Rights of Persons with Disabilities.

5.23 The only mechanism of protection rights offered to people with disabilities, who do not fully understand the meaning of their actions and respective consequences, is classifying such persons as legally incapable and establishing guardianship over them. About 48 thousand legally incapable persons live in Ukraine. This means that incapable person loses a right to any legal action; he/she is deprived not only of civil rights, but ceases altogether to be a legal subject. E.g. such person cannot submit an application on employment, marriage, getting heritage, can not effect his/her treatment, location, day regiment, rehabilitation and social services, submit a petition on incapability revision. This system of protection has no respect to a human being and his/her dignity, completely excluding such person from decision-making process with regards to his/her life.

5.24 Despite the existence of legal provisions stipulating right to education for people with disabilities, the low level of inclusive education entails low quality of home education (which make disabled person non-competitive when applying for higher education and employment); lack of specialized training and tendency to stereotyping among teachers, lack of communication with peers, absence of out-of-school education for children with serious restrictions as well as absence of special programs and state funding make this education highly problematic for people with disabilities.

5.25 Ukrainian legislation contains norms which violate rights of persons with disabilities recognized legally incapable by the court. In particular, Article 70 of Ukrainian Constitution states "there is right to vote for persons recognized legally incapable by the court" which contradicts Article 29 of UN Convention on the rights of persons with disabilities.

***Recommendations:***

- Adopting and guaranteeing implementation of National Action Plan on realization of the UN Convention on the Rights of Persons with Disabilities; devising and introducing changes to the legislation with the goal of its harmonizing with the requirements of the Convention; Practical mechanisms of fundamental standards in the protection of rights of people with disabilities should be enforced.

- Accelerating the passing of the Law On Mandatory Comprehensive State Medical Insurance, to guarantee access to medical care for the people with disabilities. Ensuring architectural

accessibility of obstetrics-gynaecological clinics for women on wheel chairs or impaired hearing or sight.

- Constitutional legislation of Ukraine needs amendments, as the terms “equality” and “non-discrimination” are not the same with respect to people with disabilities and differ substantially in their meaning.
- Launching public discussion on banning denial of services to people with disabilities in territorial social centres on the basis of their mental disorders.
- Putting an end to practices of terminating or suspending benefit for the people with disabilities in adopting annual budget.
- Developing Ministry of Health measures, aimed at creating incentives, including financial, for psycho-social and rehabilitation approaches to the treatment of people with mental disorders;
- Developing the system of integrated and inclusive education, with teachers’ upgrading component; identifying sources and scope of the necessary governmental funding.
- Complying with legislative requirements in setting up individual rehabilitation programs for each person with disability.
- Developing efficient mechanism for supplying people with disabilities with technical rehabilitation means and medical devices, as well as for reimbursement for purchases of the said devices. An efficient mechanism makes this operation targeted, expedient and effective.
- Ensuring right to work for people with disabilities. In particular, devising and implementing the institute of professional assistant to a disabled person in his/her performance of professional duties. It will allow people with disabilities to exercise their right to employment.
- Providing for de-institutionalization and independent living in the community with complex support of people with disabilities, who need permanent external care and supervision, eventually diminishing the number of boarding homes/institutions and developing the system of community based agencies of assisted living for 8-16 adult persons with disabilities .
- Step-by-step reforming of the guardianship system for people with disabilities, who are not fully aware of the meaning of their actions and their consequences; banning of economic,(in particular, property), political and other rights’ restrictions for the said category, including those stipulated by article 70 of the Constitution of Ukraine and Article 32 of the Fundamentals.
- Introducing the procedure of supported decision-making with the participation of qualified assistants to people with disabilities who are not fully aware of the meaning of their actions and their consequences.
- Introducing changes to legislative norms that violate the right to vote of persons with disabilities officially recognized as legally incapable by the court.

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<sup>1</sup> Line of poverty in Ukraine constitutes 1025 UAH <http://health.unian.net/ukr/detail/225542>

<sup>2</sup> I.Kyrychenko “Poverty and paradoxes” «Dzerkalo tyzhnya, Ukraina» №28, 12 August 2011 [http://dt.ua/SOCIETY/i\\_bidniy\\_paradoksiv\\_drug-86039.html](http://dt.ua/SOCIETY/i_bidniy_paradoksiv_drug-86039.html)

<sup>3</sup> Program comes to an end and poverty persists <http://www.ac-rada.gov.ua/control/main/uk/publish/article/16735678>

<sup>4</sup> How to avoid becoming the country of the homeless? V.Pasochnyk «Dzerkalo tyzhnya, Ukraina» №37, 14 October, 2011 [http://dt.ua/ECONOMICS/yak\\_ne\\_stati\\_krayinoyu\\_bezdomnih-89663.html](http://dt.ua/ECONOMICS/yak_ne_stati_krayinoyu_bezdomnih-89663.html)

<sup>5</sup> Ibid

<sup>6</sup> State Statistics Committee <http://www.ukrstat.gov.ua/>

<sup>7</sup> Ibid <http://www.ukrstat.gov.ua/>

<sup>8</sup> Salaries’ arrears increased to 2,2% [http://news.dt.ua/ECONOMICS/zaborgovanist\\_iz\\_zarplat\\_zbilshilasya\\_na\\_2,2-90232.html](http://news.dt.ua/ECONOMICS/zaborgovanist_iz_zarplat_zbilshilasya_na_2,2-90232.html)

<sup>9</sup> Lethal accidents in coal-mining increased by 20% <http://health.unian.net/ukr/detail/225803>

<sup>10</sup> Trade unions ask President of Ukraine to put an end to violations of trade unions’ rights [http://www.fpsu.org.ua/index.php?option=com\\_content&view=article&id=6466%3A2011-11-03-11-07-32&catid=177%3A2011-05-19-06-09-50&Itemid=112&lang=uk](http://www.fpsu.org.ua/index.php?option=com_content&view=article&id=6466%3A2011-11-03-11-07-32&catid=177%3A2011-05-19-06-09-50&Itemid=112&lang=uk)

<sup>11</sup> Approved by the CMU resolution of 25 August 2004 , N 619-p.

<sup>12</sup> Usually, even in judicial practices the preference is given to more strict definitions as opposed to the use of term “others” in normative documents. See, e.g. a case on child support <http://www.helsinki.org.ua/index.php?id=1212662754>