



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Ukraine

Addendum

Information received from Ukraine on follow-up to the concluding observations*

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* The present document is being issued without formal editing.



Report on the measures taken by Ukraine to implement the recommendations of the Committee on the Rights of Persons with Disabilities contained in paragraphs 14 and 23 of its concluding observations on the initial report of Ukraine on the implementation of the Convention on the Rights of Persons with Disabilities

1. The Convention on the Rights of Persons with Disabilities entered into force in Ukraine in March 2010. In August 2012, the Government of Ukraine approved the National Action Plan to Implement the Convention on the Rights of Persons with Disabilities for the period up to 2020.

2. In August 2015, the Committee on the Rights of Persons with Disabilities considered the initial report of Ukraine on the implementation of the Convention on the Rights of Persons with Disabilities. After consideration of the report, the Committee adopted its concluding observations.

3. In fulfilment of the obligations assumed by Ukraine to implement the Convention and in the light of paragraph 62 of the concluding observations on the provision of information on measures taken to implement the Committee's recommendations contained in paragraphs 14 and 23, we provide the following information.

Paragraph 14

1. Ensuring the safety of all boys and girls with disabilities in conflict-affected areas by all possible means, in particular ensuring that those living in institutions are among the priority groups to be evacuated in emergencies

4. Evacuation is one of the main ways in which the population can be protected from modern weapons in time of war and in the event of natural or man-made disasters.

5. Since the launch of the anti-terrorist operation, the evacuation of the most vulnerable sectors of the population, in particular children, persons with disabilities and older persons, has become a highly pressing issue.

6. The State takes all measures necessary to care for and protect the rights of vulnerable sectors of the population, in particular children, persons with disabilities and older persons located in the conflict zone. They are provided with financial, medical and other kinds of assistance and, if necessary, are placed in appropriate institutions.

7. In early 2014, 21 residential care institutions in the social protection system were operational in Donetsk province. Currently, in the part of the province that is under the control of the Ukrainian authorities, there are 11 such institutions, including children's homes, residential care facilities for older persons and persons with disabilities, retirement homes and residential care facilities for persons with neuropsychiatric disorders.

8. The Department of Social Protection of the Donetsk provincial administration resettled 1,744 persons from among the children and long-term care recipients in residential institutions, including:

- 1,453 persons in other parts of Donetsk province
- 291 persons in the following other provinces
 - Kharkiv province (110 persons)

- Dnipropetrovsk province (77 persons)
- Cherkasy province (57 persons)
- Zaporizhzhya province (1 person)
- Zhytomyr province (1 person)
- Vinnytsya province (1 person)
- Ternopil province (30 persons)
- Mykolayiv province (14 persons)

9. In early 2014, 20 residential institutions in the social protection system were operational in Luhansk province. As the resettlement of persons under guardianship or in care from the territory of Luhansk province that is not under the control of the Ukrainian authorities has generally not been carried out, there remain 10 residential institutions in that territory (residential care facilities for older persons and persons with disabilities and for persons with neuropsychiatric disorders). They all operate in territory under the control of the Ukrainian authorities.

10. The Department of Social Protection of the Luhansk provincial administration resettled 133 patients of the residential care facility for persons with neuropsychiatric disorders in Popasna province, including:

- 82 in Luhansk province
- 51 in the following other provinces of Ukraine
 - Kirovohrad province (30 persons)
 - Kharkiv province (21 persons)

11. In accordance with National Security and Defence Council Decision of 13 April 2014 on Urgent Measures to Meet the Threat of Terrorism and Preserve the Territorial Integrity of Ukraine, enacted by Decree No. 405 of 14 April 2014 of the acting President — Chair of the Verkhovna Rada, the parliament of Ukraine, Mr. O. Turchynov — the Ministry of Social Policy, local executive bodies and local authorities continue to take measures to protect children who are from the areas within the anti-terrorist operation zone, in particular orphans, children deprived of parental care and children from families suffering hardship, and evacuate them in order to guarantee their protection and prevent violations of their rights and legitimate interests.

12. The evacuation of orphans, children deprived of parental care and children unaccompanied by parents or other legal representatives from areas of active hostilities is fully consistent with the aforementioned legislation and necessitated by the direct threat to their life and health.

13. Prior to the launch of the anti-terrorist operation, more than one million children lived in Donetsk and Luhansk provinces. Of these children, more than 14,500 were orphans or children deprived of parental care, including roughly 12,000 children who were being cared for in family-type settings and 2,593 children who were living in one of 71 institutions in the education, health-care and social protection systems.

14. As of October 2014, more than 1,600 children had been evacuated from institutions in the anti-terrorist operation zone.

15. Between January and March 2015, owing to the efforts of the local executive bodies of Donetsk and Luhansk provinces, more than 2,500 children were transported to other provinces or peaceful areas of Donetsk and Luhansk provinces (including 280 from various social protection and residential care institutions).

16. During 2015 and 2016, the Ministry of Social Policy introduced quarterly and weekly monitoring of the social protection provided for orphans, children deprived of parental care and other categories of children who have been displaced from the temporarily occupied territory and areas within the anti-terrorist operation zone.

17. According to the latest information from the social protection units of the provincial and Kyiv municipal State administrations, as of 1 August 2016, 1,749,779 persons, 420,553 families and 233,462 children were registered.

18. As of the same date, 1 August 2016, according to the latest information from the children's services of the provincial and Kyiv municipal State administrations, 1,486 orphans and children deprived of parental care have been resettled from territories in Donetsk and Luhansk provinces to other areas of Ukraine (916 from Donetsk province and 570 from Luhansk province), as have 620 children without legal representatives (409 from Donetsk province and 211 from Luhansk province).

19. In various regions of Ukraine, as of 1 August 2016, there are 109 internally displaced foster families and family-type children's homes, in which 309 children are being cared for.

20. All families receive State social assistance, cash benefits and social assistance and support to the extent possible from local executive bodies and local authorities.

21. The highest numbers of internally displaced children belonging to these categories are registered in the following provinces:

- Donetsk (370 persons)
- Zaporizhzhya (105 persons)
- Kyiv (129 persons)
- Luhansk (97 persons)
- Odesa (223 persons)
- Kharkiv (176 persons)

22. Issues involving the social and legal protection of children who have been displaced from or have remained in the anti-terrorist operation zone and the stepping up of efforts by agencies of tutorship or guardianship to protect the rights of children were taken up and explored in detail at a meeting of the Interministerial Commission for the Protection of the Child in February 2015 and at high-level meetings of the Ministry of Social Policy in October 2015 and March 2016.

23. A plan of action to be implemented by the child welfare services and local authorities was also discussed at a seminar for the heads of the children's services of the provincial and Kyiv municipal State administrations in April 2016.

24. The observance of the rights of children in armed conflict was the subject of the previous annual State report on the situation of children in Ukraine. It should be noted that this document is not a legal instrument and cannot establish new procedures to minimize the consequences of the armed conflict.

25. However, in the course of the anti-terrorist operation, the Government adopted several decisions to regulate by law a number of important issues connected with the protection of the rights of internally displaced children, as follows:

- Cabinet of Ministers Decision No. 624 of 22 October 2014 amending Cabinet of Ministers Decision No. 866 of 24 September 2008, which establishes a mechanism for organizing the social protection of children left without parental care, orphans

and children displaced from the temporarily occupied territory and administrative units in which the anti-terrorist operation is still under way

- Cabinet of Ministers Decision No. 356 of 4 June 2015, which establishes a mechanism to support the work of foster families and family-type children's homes that have been displaced from the temporarily occupied territory of Ukraine or the anti-terrorist operation zone and the payment to them of State social assistance
- Cabinet of Ministers Decision No. 688 of 8 September 2015, which simplified the procedure for allocating and paying State assistance to children under tutorship or guardianship by providing for payment in the absence of a certificate of maintenance
- Cabinet of Ministers Decision No. 752 of 23 September 2015, which entitled families raising orphans or children deprived of parental care (foster families and family-type children's homes) to receive a grant
- Cabinet of Ministers Decision No. 636 of 26 August 2015 amending certain Cabinet of Ministers decisions, which amended the procedures approved by Cabinet of Ministers Decision No. 509 of 1 October 2014 for processing and issuing registration certificates to persons who have been transferred from the temporarily occupied territory of Ukraine, the anti-terrorist operation zone or a town or village on the line of contact
- Cabinet of Ministers Decision No. 1014 of 9 December 2015, which regulated the mechanism for applying for monthly targeted assistance to cover living expenses, including payment for housing and communal services, for certain categories of internally displaced children

26. It has been made possible for children whose parents do not fulfil their parental responsibilities for reasons unconnected with the anti-terrorist operation or the temporary occupation to qualify for the status of a child deprived of parental care. Such children will now temporarily be entitled to guaranteed State protection and support.

27. The procedure for supporting foster families and family-type children's homes has also been improved, including in terms of the payment of State social protection for orphans and children deprived of parental care and financial support for adoptive and foster parents.

28. A mechanism for issuing children unaccompanied by parents or other legal representatives with certificates of internal displacement and paying them the necessary financial assistance has been provided for by law.

29. It is fundamentally important that the powers of agencies of tutorship or guardianship in relation to internally displaced children registered in the territory in question, including orphans and children deprived of parental care, are established by law.

30. In addition, pursuant to paragraph 68 (7), of the plan of action for the implementation of the National Human Rights Strategy for the period up to 2020, approved by Cabinet of Ministers Decision No. 1393-r of 23 November 2015, in order to improve the social protection provided for children not accompanied by parents or guardians, guidance on the application of legislation on the representation of the interests of children not accompanied by parents or guardians was approved by Ministry of Social Policy Decision No. 509 of 13 May 2016, including a section on the specificities of social protection for internally displaced children not accompanied by parents or guardians.

31. At the same time, the Ministry of Social Policy has drawn up a draft Cabinet of Ministers decision approving the procedures for granting victim of war or armed conflict status to children, and it has already been agreed with eight central authorities.

32. The purpose of adopting the draft decision is to regulate the mechanism for granting victim of war or armed conflict status to children with a view to taking further social protection measures for children in this category.

33. In order to guarantee the right to education of children in the temporarily occupied territories or internally displaced children, the Ministry of Education and Science launched a number of successive initiatives jointly with local education authorities in 2014 and 2015.

34. The Ministry of Education and Science has drafted and approved a number of laws and regulations, including procedures for ordering, registering and issuing replacement records of State general secondary education certificates for persons who received their secondary education in educational institutions in the temporarily occupied territory of Ukraine and in educational institutions in certain towns and villages in Donetsk and Luhansk provinces (Ministry of Education and Science Order No. 917 of 8 August 2014), regulations on the gold and silver medal awards for excellence in education (Ministry of Education and Science Order No. 306 of 17 March 2015), procedures for the promotion of students in general education institutions to the next class (Ministry of Education and Science Order No. 762 of 14 July 2015), amendments to the regulations on distance learning in general education institutions as it pertains to persons who received their secondary education in the places referred to above (Ministry of Education and Science Order No. 761 of 14 July 2015) and others.

35. With a view to ensuring that the necessary arrangements are made to provide children from Donetsk and Luhansk provinces, the Autonomous Republic of Crimea and Sevastopol with an education, local education authorities have been sent letters explaining the specificities of enrolling children in educational institutions, carrying out final national assessments and independent external evaluations and issuing them with State educational certificates.

36. On the official website of the Ministry and other informational resources available on the Internet and in official print publications, in response to requests, the Ministry disseminates information on a regular basis on the arrangements made to provide education for children who have left the territory not controlled by the Ukrainian authorities and other issues connected with their social protection.

37. The Ministry operates hotlines for inquiries regarding the arrangements in place for the education and care of children who have left the temporarily occupied territory and the territories of Donetsk and Luhansk provinces that are not under the control of the Ukrainian authorities. All requests from settlers are given priority and, where necessary, are dealt with jointly by local education authorities and representatives of State and non-governmental organizations.

38. According to the latest data from 8 June 2016, 69,651 children from the temporarily occupied territories of the Autonomous Republic of Crimea and Donetsk and Luhansk provinces are enrolled as students in educational institutions in other regions of the country.

39. In total, there are:

- From Donetsk province, 45,446 children (33,495 in general educational institutions and 11,951 in preschool educational institutions), of whom 11,754 have been displaced within the province (8,713 in general education institutions and 3,041 in preschool educational institutions)
- From Luhansk province, 20,947 children (14,916 in general educational institutions and 6,031 in preschool educational institutions), of whom 4,754 have been displaced within the province (3,041 in general education institutions and 1,713 in preschool educational institutions)

40. The Ministry is working to relocate higher education institutions from the temporarily occupied territory and the territory not under the control of the Ukrainian authorities (Donetsk and Luhansk provinces).

41. Nine State higher education institutions from Donetsk province and eight from Luhansk province have now been relocated.

42. Before their relocation, these higher education institutions in Donetsk and Luhansk provinces had 123,200 students. They now have 35,600 students.

43. The education and science departments (offices) of the provincial and Kyiv municipal State administrations were instructed by the Ministry of Education and Science in letters No. 1/9-17 of 19 January 2015, No. 1/9-224 of 30 April 2015 and No. 1/9-343 of 22 July 2015 to adopt urgent measures to ensure that children whose parents died while participating in the anti-terrorist operation and protecting the independence, sovereignty and territorial integrity of Ukraine, or who died as a result of wounds, contusions or maiming sustained in areas within the anti-terrorist operation zone, are duly placed in residential institutions for orphans and children deprived of parental care.

44. Orphans and children deprived of parental care from three children's homes in the anti-terrorist operation zone in Donetsk province were transferred to the Emerald City health and social rehabilitation centre in Sviatohirsk, Donetsk province.

45. Other orphans and children deprived of parental care (735 children) are still being educated in children's homes and boarding schools located in the secure areas of Donetsk province.

46. Pursuant to a decision of the Luhansk provincial State administration adopted in connection with the anti-terrorist operation, since early June 2014, children in children's homes and boarding schools in the province have, for recreation and rehabilitation, been staying with their teachers at Sergeyevka, a sanatorium-style institution for children in Bilhorod-Dnistrovskyy district, Odesa province.

47. As the active phase of the anti-terrorist operation is still ongoing in Luhansk province, children from residential institutions in that province are, at the request of its State administration, being educated in educational institutions (boarding schools and vocational technical schools) in Odesa province for an indefinite period. All children are under the full care of the State.

48. Currently, in the peaceful areas of Luhansk province, there is one boarding school for orphans and children deprived of parental care (Sievierodonetsk provincial general education boarding school for levels I to III), at which 83 orphans and children deprived of parental care are being educated and cared for.

2. The Committee urges the State party to take prompt measures to investigate reports of sexual abuse, exploitation and trafficking of boys and girls in institutions and prosecute and punish perpetrators

49. In Ukraine, offences against minors incur criminal liability under the following provisions of the Criminal Code: article 149 (2 and 3) (Trafficking in or other unlawful transactions involving persons); article 150 (Child exploitation); article 152 (3 and 4) (Rape); and article 153 (2 and 3) (Gratification of deviant sexual desires by force).

50. If the National Police receives reports of offences against minors, they are immediately registered in the unified register of complaints and reports relating to the commission of criminal offences and other events and, if there are sufficient grounds, in the unified pretrial inquiry register.

51. According to data from the National Police, no offences involving sexual violence, exploitation or trafficking in children with disabilities in special institutions were recorded between 1 September 2015 and 1 August 2016.

52. The Department for Combating Offences relating to Trafficking in Persons was assigned the task of implementing the measures defined in National Police Order No. 466 of 3 June 2016 on the adoption of a plan of action for the implementation of the National Human Rights Strategy for the period up to 2020, approved by Cabinet of Ministers Decision No. 1393-r of 23 November 2015, which sets out the way forward for the protection of the rights of persons with disabilities.

53. To date, the Department has not received any communications from the Committee on the Rights of Persons with Disabilities regarding the commission of offences involving trafficking in persons, sexual violence or exploitation with respect to women or children with disabilities in special institutions (para. 88 (93) of the National Human Rights Strategy).

54. In total, over five months in 2016, National Police agencies documented 55 offences under article 149 (Trafficking in persons) of the Criminal Code, the details of which were entered into the unified pretrial inquiry register.

55. Forty-two victims of trafficking in persons (28 female and 14 male), including 1 minor (a 17-year-old girl from Dnipropetrovsk province), have been identified.

56. The leadership of the Department is constantly monitoring the issue.

3. The Committee recommends that the State party strengthen its efforts for deinstitutionalization and, in the interim period, provide boys and girls with disabilities in institutions with adequate standards of living, including quality nutrition and access to privacy

57. Currently, work is under way to modernize institutions in the social protection system. Thus, the strategy for the reform of the social service system adopted by Cabinet of Ministers Order No. 556-r of 8 August 2012 identified as a priority area the development of initiatives to reorganize inpatient residential institutions and facilities, including by means of setting up day-care and short-stay units within such institutions and facilities, with a view to facilitating the accommodation of recipients of home-based social services.

58. Pursuant to Presidential Order No. 818/2015-rp of 25 December 2015 on the working group for the development of proposals to reform the system for the institutional care and upbringing of children, the relevant working group was set up under the Office of the President, and it is working to develop proposals to reform the system for the institutional care and upbringing of children.

59. Measures are being taken to deinstitutionalize residential institutions (by introducing innovative services), their aim being to foster an environment in which persons under guardianship and in care can be integrated into society.

60. Thanks to cooperation between the Ministry of Social Policy and the regional authorities and with funding from local budgets, charities, sponsors and other sources, 62 day-care units for groups of persons with disabilities, including children with disabilities, have been set up and are operating within existing institutions (excluding the Autonomous Republic of Crimea, Donetsk and Luhansk provinces and Sevastopol). These units provide day care for around 2,000 persons.

61. In order to integrate persons in residential care institutions into society:

- In Odesa province, day-care units are operating in the Bilhorod-Dnistrovskyy and Odesa residential children's homes;

- In Poltava province, medical and social rehabilitation units are operating in the Zinkiv and Novi Sanzhary residential children's homes.

62. With the support of the Happy Child Foundation, within the framework of its project to establish homes for the social adaption of children with special needs, two homes caring for 18 children have been set up at the Chernihiv children's home, in which the living conditions are as close as possible to a family environment.

63. In addition, at the Voronovtsy residential care facility for persons with neuropsychiatric disorders in Vinnytska province, there is a unit for social and psychological and vocational rehabilitation in which patients receive social and psychological services and services to develop their creativity and ensure their integration into public life.

64. Cultural and sporting events are held in residential institutions; physical education is being developed (sports grounds and halls have been equipped, and sports equipment, exercise machines and rehabilitation equipment have been provided). Children in care participate in sporting competitions not only at the residential institution level but also in regional, interregional, national and international competitions for athletes with disabilities.

65. Since 2004, the Ministry of Social Policy has worked with the Polish companies Bella-Trade and the Turuń surgical dressing factory and the Foundation for Development of Ukraine, with the support of the Embassy of Poland in Ukraine, to organize the semi-final of the SENI Cup, an international football tournament for persons with disabilities, in which Ukrainian players from around the country take part.

66. In matches held on 2 and 3 June 2016 in Kyiv, 12 teams (more than 80 players) from children's homes and the Artemivsk residential care facility for persons with neuropsychiatric disorders in Donetsk province took part. The winning team from the Shevchenko children's home (Kharkiv province) and the team from the Artemivsk residential care home were invited to take part in the SENI Cup finals, which were held in Toruń, Poland, in July 2016.

67. The Ministry is working to improve the regulatory framework governing residential institutions.

68. Thus, the State standard for residential care for persons who are no longer capable of looking after themselves or who have not acquired that capacity (approved by Ministry of Social Policy Order No. 198 of 29 February 2016 and registered with the Ministry of Justice on 23 March 2016 as No. 432/28562) and the State standard for assisted living for older persons and persons with disabilities (which is being piloted in five provinces and Kyiv) have been drafted, and the State standard for the representation of the interests of persons with long-term physical, intellectual or mental disabilities is being developed.

69. New versions of the model regulations on residential neuropsychiatric centres (sent to the Ministry of Justice for legal review) and the model regulations on children's homes (which are being prepared to be sent to the Ministry of Justice for legal review) have also been drafted. These draft regulations provide for the establishment of units for day care, palliative care, assisted living, short stays and so forth. Model regulations on assisted living for older persons and persons with disabilities are being drafted.

70. With the support of the United Nations Children's Fund, the Ministry is also drafting a new strategy for the development of the social service system for the period up to 2022, which provides for the deinstitutionalization of residential homes in the social service system.

71. The Ministry is working with voluntary organizations to improve the system for the provision of social services in residential institutions.

72. One such example is the modern rehabilitation centre Zontik (Umbrella) that was established at the Vilshana children's home in Zakarpattia province with the support of the charitable organization Committee for Medical Assistance in Zakarpattia and a Swiss association for the Zontik project.

73. The centre provides rehabilitation and habilitation services for the purposes of comprehensive development, preparation for independent living and integration into the local community and the community of persons with disabilities. The centre organizes educational activities (reading, writing and arithmetic, awareness of ethical standards and general rules of behaviour and music and dance classes), job training workshops and agricultural and craft activities (weaving, making postcards and woollen products, woodwork and tending to a small farm and garden).

74. Together with other central authorities and in close cooperation with regions and the voluntary organizations concerned, the Ministry of Social Policy is currently developing a legal framework for the deinstitutionalization of residential institutions in the social protection system through the establishment in local communities of forms of service for older persons and persons with disabilities other than residential care.

The deinstitutionalization of care for children in Ukraine

75. Some 650 residential-type institutions are currently operational in Ukraine, and some 107,000 children are being cared for in them.

76. In the 558 residential-type educational institutions within the education system, 102,384 children are being cared for, including 6,583 orphans and children deprived of parental care and 38,962 children requiring treatment for their physical and/or mental disabilities (in special institutions).

77. There are 56,839 children being cared for in an institutional setting, separated from their families, whose parents are not restricted in their rights, and they do not have the physical and/or mental disabilities that call for placement in a special facility.

78. It is estimated that, in addition to care for the categories of children specified by law, the State wastes more than 1 billion hryvnias annually on keeping children with parents separate from their families instead of making mainstream schools and transport to them accessible and providing social services to help families overcome crises and so forth.

79. Presidential Decree No. 501 of 25 August 2015 approved the National Human Rights Strategy, which sets out the procedure for a reform of residential institutions and the process by which they are to be phased out.

80. Among the achievements:

- As a result of the implementation of the State integrated social programme for the period up to 2017 for the reform of the institutional system for orphans and children deprived of parental care, which was approved under Cabinet of Ministers Decision 1242 of 17 October 2007, family-based forms of care for orphans and children deprived of parental care have developed rapidly. Currently, more than 90.3 per cent of children in this category are cared for in families of tutors or guardians, foster families or family-type children's homes (in 2007, the percentage was 66.1);
- Cabinet of Ministers Decision No. 624 of 22 October 2014 introduced a number of significant amendments to Cabinet of Ministers Decision No. 866 of 24 September 2008 on the work of agencies of tutorship and guardianship in terms of the protection of children's rights, including the stipulation that children are to be placed in children's homes and general education boarding schools for orphans and children

deprived of parental care in accordance with the referrals (certificates of assignment) issued by children's services;

- The number of boarders and care recipients, including children (persons under 18), being educated in children's homes is on the decline.

<i>Year</i>	<i>Number of children's homes</i>	<i>Number of boarders and care recipients in children's homes</i>	<i>Number of boarders (persons aged 18 years or under) in children's homes</i>
2012	55	6 799	3 184
2013	52	6 453	2 990
2014	49	5 998	2 436
(2015, as of 1 June)	49	5 774	2 267

81. The strategy for the reform of the social service system adopted by Cabinet of Ministers Decision No. 556-r of 8 August 2012 identified as a priority area the development of initiatives to reorganize residential institutions and facilities for long-term care, including by means of setting up day-care and short-term units within such institutions and facilities, with a view to facilitating the accommodation of recipients of home-based social services.

82. Under the plan of action for the implementation of the strategy to reform the social service system for the period 2013-2016, which was approved by Cabinet of Ministers Order No. 208-r of 13 March 2013, the provincial and Kyiv municipal State administrations and the voluntary associations that have been agreed on are to adopt regional plans of action for the reorganization of residential institutions and facilities for long-term care, including by means of setting up day-care and temporary stay sections at such institutions, with a view to facilitating the accommodation of recipients of home-based social services.

83. In order to introduce day care for children with disabilities, the Ministry of Social Policy issued the following:

- Order No. 452 of 30 July 2013 approving the State standard for day care, which was registered with the Ministry of Justice on 9 August 2013 as No. 1363/23895
- Order No. 653 of 9 October 2013 approving the model regulations on day care for children with disabilities, which was registered with the Ministry of Justice on 4 December 2013 as No. 2057/24589

84. In accordance with Presidential Decree No. 312 of 1 June 2013 on additional measures to provide guarantees for the realization of the rights and legitimate interests of children and relevant programme, the Ministry of Social Policy drafted model regulations on the centre for social support for children and families, the aim of which is to:

- Regulate the procedure for the establishment and functioning of institutions providing a range of social services aimed at improving the capacity of families to care for children and provide them with the appropriate care
- Prevent the separation of children from their parents and guarantee the right of orphans and children deprived of parental care to grow up in a family or a family-type environment

85. The approach taken by the centres provided for under draft legislation is focused on providing social support for families and returning children to their parents as soon as possible, reintegrating mothers and children into society.

86. Provision has been made in the social support centre for children and families for the following:

- For long term stay, units for emergency placement of children, units for mothers with children, a small group home, social housing units and units for emergency family assistance
- A day-care unit for families with children with disabilities

87. The draft law in question is in keeping with the State development priorities defined by the Government in the policy framework for the reform of local government and the power structure throughout the country, approved by Cabinet of Ministers Decision No. 333-r of 1 April 2014, under which accessibility in the regions, namely the provision of services in the communities in which people live, is identified as one of the main objectives of the reform.

88. This approach makes it possible to provide timely assistance to children and families with children, including at the early stages of a problem, and to reach the largest number of persons who need it.

89. The work of such institutions will help to enhance the framework for cooperation between social workers and families, children and young persons, make it possible to set up an effective system to support vulnerable families with children in the community and strengthen the role and responsibilities of local executive bodies and local authorities with respect to the situation of children and families under their jurisdiction.

90. The adoption of this draft will enable local executive bodies and local authorities to set up social support centres for children and families by reorganizing and converting children's shelters and centres for children's social and psychological rehabilitation in the light of the social needs of each administrative unit.

91. Two such institutions are already operating successfully: the Ray of Hope social support centre in the Makariv district of Kyiv province and the Good Home social support centre for children and families in the Dnipropetrovsk district of Dnipropetrovsk province.

92. On 26 January 2016, the Verkhovna Rada approved a draft law amending a number of laws relating to the legislation on social protection for children and support for families with children (No. 2254), which introduced amendments to the Family Code relating to the legislation governing foster care for children in difficult circumstances.

93. Its implementation will help to:

- Develop new types of services for children and families with children at the community level, in particular interim care arrangements in foster families for children in difficult circumstances
- Ensure the effective right of every child to grow up and be cared for in a family environment

94. The need for deinstitutionalizing care for children in Ukraine is reflected by the willingness of the international community to offer assistance.

95. In accordance with the Ukraine Country Partnership Strategy of the International Bank for Reconstruction and Development, the Ministry of Social Policy has initiated the Social Safety Nets Modernization Project, scheduled to run until 2020, which involves the transformation and reorganization of children's residential institutions with a view to ensuring that all children are cared for in a family (part 3 of the Project).

96. Within the framework of the implementation of the Project:

- Cooperation agreements have been signed with the State administrations of the provinces of Dnipropetrovsk (2 July 2015), Kyiv (8 September 2015), Chernihiv (8

September 2015), Odesa (18 September 2015) and the Kyiv municipal State administration (22 July 2016);

- An interdepartmental consultative and advisory working group for the coordination and monitoring of the reform of children's residential institutions has been set up within the Ministry of Social Policy (Order No. 903 of 8 September 2015);
- Terms of reference have been prepared on the provision of consulting services (by a legal entity) for the development and implementation of regional plans to transform children's residential institutions:
 - In the city of Kyiv, with an emphasis on reforming the 5 to 8 residential institutions for children with disabilities and children in need of physical and mental health rehabilitation services and on the development of a system for the provision of social services to support children with special needs and the families in which such children are cared for
 - In Kyiv province, for the reform of 8 to 10 residential institutions for children's long-term care, a residential institution for children in need of physical or mental health rehabilitation services, a children's home and a general education sanatorium-type boarding school and the development of social services to meet the needs of orphans, children deprived of parental care and families with children facing hardship, which will make it possible to prevent child abandonment and provide education to children in a family environment
 - In Odesa province, for the reform of no fewer than 19 children's residential institutions and the development of a system for the provision of family-oriented services in communities in order to guarantee the right of every child to live and be cared for in a family environment and realize his or her potential
- The process of assessing the level of interest in the provision of services in Kyiv and drawing up a shortlist of candidates for the preparation of feasibility studies and finance arrangements is currently under way;
- An agreement will soon be signed for a study of the provision of social services for children, under which a study will be conducted on family-type children's homes and foster families and the testimonies of persons who were cared for in them;
- Under the procurement plan of the Ministry of Social Policy for the implementation of the measures covered by part 3 of the project to support investments for increasing provision of family-based care to support orphans, children deprived of parental care, disabled children and vulnerable families in selected oblasts, which was approved by the Competitive Bidding Committee (minutes of the meeting held on 20 November 2015, No. 15-11/20), US\$ 22.12 million has been allocated.

97. Furthermore, under the preliminary procurement plan agreed between the Government of Ukraine and the International Bank for Reconstruction and Development during the loan negotiations of May 2014, US\$ 8.4 million was allocated for the implementation of the renovation measures provided for under part 3 of the project, which will be performed by the Ukrainian Social Investment Fund.

98. The adoption of Act No. 936-VIII of 26 January 2016 introduced amendments to the Family Code relating to legislation on foster care for children in difficult circumstances. The provision of foster care is financed from the State budget of Ukraine, which discourages local authorities from placing children from low-income families in residential care.

99. Currently, the Ministry of Social Policy is focusing on two areas as a matter of priority:

- Phasing out institutional care for orphans and children deprived of parental care in favour of a transition to family forms of care or conditions as close as possible to a family environment
- Facilitating the return of children placed in residential homes of various kinds, at their parents' request, to their biological families and preventing them from ending up in such care settings

100. The main objectives are:

- To convert general education boarding schools for orphans, children deprived of parental care and children in need of social assistance into children's homes and to bring them under the authority of the Ministry of Social Policy
- To amend Ukrainian legislation relating to the functioning of children's residential institutions, in particular with regard to the separation of funding for teaching and care
- To conduct an integrated analysis of the situation with a view to developing an interdepartmental mechanism for joint action involving all relevant institutions and community organizations
- To set up facilities with conditions as close as possible to a family environment at the community level at children's places of origin and ensure that children in care in preschool institutions have equal rights to be educated in mainstream general education institutions
- To develop social services for families with children in difficult circumstances with a view to preventing their abandonment, which will make it possible gradually to reduce the number of children with parents unrestricted in their parental rights who need to be cared for in residential institutions, prevent their placement in such institutions and return more children who have already been placed in such institutions to their biological families

Paragraph 23

1. Ensuring that emergency response mechanisms and evacuation plans are inclusive and accessible to all persons with disabilities

101. Pursuant to paragraph 11 of Cabinet of Ministers Decision No. 841 of 30 November 2013 approving the evacuation procedure in the event of man-made or natural disasters or the risk of such disasters, responsibility for the organization of evacuations and the preparation of areas to accommodate evacuees and provide them with life-sustaining necessities and the storage of items of material and cultural value falls to the Council of Ministers of the Autonomous Republic of Crimea, local State administrations, local authorities and the managers of economic entities.

102. According to the regulations on the State Emergency Service of Ukraine, which were approved by Council of Ministers Decision No. 1052 of 16 December 2015, the State Emergency Service of Ukraine is a central government agency whose work is directed and coordinated by the Cabinet of Ministers through the Minister of Internal Affairs, who implements State policy in the areas of civil protection, protection of the population and the territory in the event of an emergency, disaster prevention and management, rescue operations, firefighting, fire and industrial safety and emergency rescue services and hydrometeorological work.

103. Pursuant to paragraph 37 of the regulations, the State Emergency Service of Ukraine also works to organize and provide materials for training (advanced courses) for managers and specialists of central and local executive bodies and local authorities, companies, institutions and organizations whose work is connected with the organization and implementation of civil protection initiatives.

104. In accordance with paragraph 38 of the aforementioned regulations, the State Emergency Service of Ukraine organizes training for the population on emergencies and drafts and approves the relevant programmes and guidelines on the logistics of preparing the population for such situations.

105. According to Cabinet of Ministers Decision No. 1393-r of 23 November 2015 approving the plan of action for the implementation of the National Human Rights Strategy for the period up to 2020, the State Emergency Service of Ukraine has the following responsibilities.

106. Pursuant to paragraph 120 of the plan of action, it is responsible for drafting a Cabinet of Ministers decision aimed at addressing the issue of accommodating persons with visual or musculoskeletal impairments, including children, who have been resettled from the temporarily occupied territory and/or areas in the anti-terrorist operation zone in facilities and institutions adapted to the needs of such persons for a defined period.

107. Pursuant to paragraph 130 (5) of the plan of action, it is also responsible for the development and implementation of a mechanism for early warning and assessment of risks and emergencies and the evacuation of specific categories of persons from Donetsk and Luhansk provinces (orphans, children deprived of parental care, persons with disabilities or serious illnesses, persons living in care homes and persons in places of deprivation of liberty).

108. It should also be noted that the Ministry of Health works to organize medical care for victims, persons with disabilities and persons with injuries. Emergency, primary and secondary health care is provided to affected persons and evacuated persons with disabilities in State and community facilities both within the anti-terrorist operation zone and at other State health institutions subordinate to the Ministry of Health, in accordance with the law and within budgetary constraints. During evacuation from the zone, persons with disabilities, children and pregnant women are given priority. According to the latest information, as of 20 July 2016, 1,029,593 persons, including 170,588 children and 495,102 older persons and persons with disabilities, have been resettled from the temporarily occupied territory and areas within the anti-terrorist operation zone to other regions of Ukraine.

109. The Ministry of Health monitors and analyses the provision of emergency, primary, secondary and tertiary health care in affected regions within the zone for soldiers, persons with disabilities and civilians.

110. Work is under way to fulfil the requirements of Ministry of Health Order No. 75 of 18 February 2015 on additional measures to guarantee the functioning of health-care institutions at this particular time and deal with the consequences of the State-level social and military emergency. It has been confirmed that 30 per cent of beds in multidisciplinary health-care institutions are reserved for inpatient treatment for persons with disabilities and members of the armed forces who have been wounded in the anti-terrorist operation zone.

2. Prioritize persons with disabilities in its evacuation plans, including by training the personnel involved

111. The State Emergency Service has developed and is negotiating and finalizing a draft decision of the Cabinet of Ministers on approval of the regulations on early warning of

threats or emergencies and the organization of communications in the area of civil protection, which sets out the procedures for issuing warnings to persons with disabilities, including persons with visual, hearing or musculoskeletal impairments, persons with intellectual disabilities or mental disorders and other groups of people with limited mobility and their family members about emergencies or threats of an emergency.

112. A working group has been set up by order of the State Emergency Service for the realization of an emergency call service with a view to coordinating and addressing organizational issues involving the implementation of a pilot project to inform or warn persons with disabilities about emergencies or the threat of an emergency. The Service has also requested the provincial and Kiev city State administrations to revise evacuation plans at the regional and local levels by introducing into those plans separate sections on the evacuation of persons with disabilities.

113. With a view to providing practical advice to the population in the event of an emergency or threat of emergency, the Service has developed and approved guidelines for preparing the population for action when threats arise or terrorist acts occur, which envisage giving priority attention to women, children, older persons and persons with disabilities.

114. The evacuation of persons with disabilities is covered under article 33 (8) of the Code of Civil Protection, which specifically provides for the evacuation of categories of the population who, by reason of age or state of health, are not able to take steps to sustain their life or health on their own in the event of an emergency and persons who, in accordance with the law, are caring for or serving such people.

115. The specific issues involving the evacuation of persons with disabilities are set out in the section “Features of planning and carrying out evacuations of persons with disabilities and other population groups with limited mobility” of the draft State standards of Ukraine entitled “Safety during emergencies. Evacuation of the population. General requirements” and the guidelines on planning for evacuations. There is a requirement for a separate section on features of planning and carrying out evacuations of persons with disabilities and other population groups with limited mobility to be included in evacuation plans.

116. In accordance with the procedures for planning, organizing and carrying out evacuations, the local authorities are responsible for evacuations; in particular, under paragraph 40 of the procedures, the Evacuation Commission established by the Council of Ministers of the Autonomous Republic of Crimea, local agencies of the State and local government bodies is responsible for issuing alerts and overseeing the evacuation and the arrival at designated assembly points at the residences of members of the non-working population, including persons with visual, hearing or musculoskeletal impairments or intellectual or mental disabilities.

117. The specific steps for the evacuation of persons with disabilities and their attendants are defined in evacuation plans developed by the local authorities.

118. According to the Counter-Terrorism Centre of the Security Service of Ukraine, under the interim procedures for monitoring the movement of persons, vehicles and cargo (goods) across the contact line within the boundaries of Donetsk and Luhansk provinces (by order No. 415 of 12 June 2015 of the first deputy head of the Centre (leader of the anti-terrorist operation in Donetsk and Luhansk provinces)), an electronic system for granting permission to individuals to cross the contact line began functioning on 7 July 2015. In order to obtain permission, it is necessary merely to complete an application form on the following website: urp.ssu.gov.ua (Register of permissions to move persons into the anti-terrorist operation zone). The status of the application may be tracked online from one’s personal computer.

119. Thus, planning, organizing and conducting the evacuation of persons with disabilities and their attendants are specified in laws and regulations.

120. It should be noted that the training of the population to carry out an evacuation is done in accordance with the procedure for training the population to act in emergencies, approved by Decision No. 444 of 26 June 2013 of the Cabinet of Ministers.

121. In May 2016, comprehensive emergency training exercises were conducted at the tactical training grounds of the Interregional Quick Response Centre of the State Emergency Service by the forces of the Service and the rapid response teams of the Red Cross Society. During the response to a simulated emergency, participants developed procedures for the conduct of emergency evacuations of older persons from the scene of the events by emergency responders. Furthermore, there were emergency evacuations of persons with disabilities, including wheelchair users or persons with visual or hearing impairments, persons with intellectual or mental disabilities and other population groups with limited mobility.

3. The Committee recommends that the State party mainstream disability in all humanitarian aid channels and involve organizations of persons with disabilities in setting priorities on aid distribution

122. The legal, organizational and social framework for the reception, provision, documentation, distribution and monitoring of humanitarian aid is currently regulated by the Humanitarian Aid Act, the Act on Charity and Charitable Organizations and a number of decisions of the Cabinet of Ministers.

123. Under the Humanitarian Aid Act, humanitarian aid means specific targeted free aid in cash or in kind in the form of non-repayable financial aid or voluntary donations or aid in the form of the performance of work or services offered by foreign or domestic donors for humanitarian reasons to the recipients of humanitarian aid in Ukraine or abroad who are in need of it because of social vulnerability, poverty or financial hardship caused by an emergency, in particular as a result of a natural disaster, accident, epidemic or epizootic, or environmental or man-made disaster that poses a threat to the population's life and health or serious illness of specific individuals.

124. Humanitarian aid is a form of charity and should be sent in accordance with the circumstances and objective requirements agreed to by the recipients and consistent with the requirements of article 4 of the Charity and Charitable Organizations Act.

125. In accordance with the Act and the procedure for cooperation between the central and local authorities and the National Bank in the implementation of the Humanitarian Aid Act, approved by Cabinet of Ministers Decision No. 241 of 25 March 2013, the Ministry of Social Policy takes decisions on the declaration of goods as humanitarian aid in the light of the positions of the central authorities and the National Bank at the meetings of the working group on humanitarian aid affairs attached to the Ministry.

126. Meetings of this group are attended by members of the public, including delegated members of the Public Council attached to the Ministry of Social Policy and a representative of the Ukrainian Association of Persons with Disabilities of Chernobyl Pripjat Centre.

127. It should be noted that humanitarian aid is distributed directly among recipients, usually at the request of the donor, to citizens in need because of social vulnerability, poverty, financial hardship etc., including persons with disabilities, on the basis of the needs of these categories of recipients under the distribution plans.

128. At the same time, we note that the most goods declared as humanitarian aid involve assistive technology for persons with disabilities, including wheelchairs, walkers, medical supplies, incontinence pads, urinary drainage bags, colostomy bags and so forth.

129. The contact details of the recipients and information on the composition of goods declared as humanitarian aid are posted on the website of the Ministry of Social Policy.

130. Furthermore, in accordance with article 6 of the Humanitarian Aid Act, provision has been made for the declaration of vehicles designed to transport more than eight persons or equipped to transport persons with mobility disabilities as humanitarian aid.

131. The Council of Ministers of the Autonomous Republic of Crimea and Kiev and Sevastopol city and provincial State administrations are responsible for declaring as humanitarian aid passenger vehicles for persons with disabilities, including children, who are in the list of persons designated to receive them.

132. In accordance with article 11-1 of the above-mentioned Act and paragraph 41 of the procedures for providing persons with disabilities with vehicles, approved by Cabinet of Ministers Decision No. 999 of 19 July 2006, as amended, the Ministry of Social Policy authorizes the transfer of ownership of vehicles to persons with disabilities and family members of diseased persons with disabilities who have been provided with and have used passenger vehicles designated as humanitarian aid for more than 10 years (as at 1 August 2016, involving more than 600 such decisions).

133. Moreover, currently in effect is Cabinet of Ministers Order No. 1393-r of 23 November 2015, which approved the plan of action to implement the National Human Rights Strategy for the period up to 2020, which covers the issues raised in the concluding observations of the Committee on the Rights of Persons with Disabilities.

134. Ensuring the rights of persons with disabilities is one of the priorities of the national strategy and is incorporated in all strategic areas of the plan of action.

135. At the same time, despite the fact that some concluding observations have not been reflected in the plan of action, the Ministry of Social Policy has prepared a draft Cabinet of Ministers order on approving a plan of action to implement the concluding observations of the Committee on the Rights of Persons with Disabilities in connection with the initial report of Ukraine on the implementation of the Convention on the Rights of Persons with Disabilities for the period up to 2020, which envisages the following:

- Taking steps to carry out prompt and effective investigations into all reports of trafficking in persons, including by agencies responsible for children with disabilities, sexual violence and the exploitation of women and girls with disabilities in State institutions (residential care homes and psychiatric hospitals)
- Ensuring that boys and girls with disabilities maintained in residential institutions are provided with decent living conditions, including healthy food and privacy
- Taking steps to ensure access for persons with disabilities and groups of persons with limited mobility to public buildings and facilities, including cultural, health-care, educational and housing facilities
- Ensuring access for persons with disabilities to transportation facilities and links
- Taking steps to enhance the skills and education of social protection workers while mobilizing international technical assistance
- Taking steps to ensure easy access for persons with disabilities to service providers
- Mainstreaming disability in all humanitarian aid channels and involving organizations of persons with disabilities in setting priorities on aid distribution

- Providing bomb shelters with appropriate facilities for persons with disabilities
 - Taking steps to ensure that persons with disabilities have access to information from the courts (informing persons with disabilities about the work of the courts and the schedule of court hearings, ensuring that court information is available by means of Braille print signage etc.)
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