



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

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

List of issues in relation to the initial report of Ukraine

Addendum

Replies of Ukraine to the list of issues*

[Date received: 10 July 2015]

A. Purpose and general obligations (arts. 1-4)

Purpose (art. 1)

1. Please provide updated information on the national action plan to implement the Convention.

1. The Verkhovna Rada, the parliament of Ukraine, has adopted a number of laws and regulations for the realization of the National Action Plan to Implement the Convention on the Rights of Persons with Disabilities for the period up to 2020.
2. On 20 November 2012, the sanctions for violating urban planning laws, including those promoting the integration of the needs of persons with physical disabilities, were reinforced.
3. State standards for primary general education for children with special educational needs were approved on 21 August 2013.
4. On 30 October 2013, a procedure was approved for conducting evacuations during man-made or natural disasters. Under the procedure, evacuation committees set up by the Council of Ministers of the Autonomous Republic of Crimea, local agencies of the State and local government bodies issue alerts and oversee the evacuation and the arrival at designated assembly points of members of the non-working population, including those with visual, hearing or locomotor impairments or intellectual or mental disabilities.
5. On 21 November 2013, regulations governing the Medical Advisory Board were approved, along with procedures for establishing advisory boards for issues relating to

* The present document is being issued without formal editing.



children with disabilities, procedures for identifying families (persons) in difficulty and providing them with social services and support, and procedures for coordination among providers of such support.

6. On 28 January 2014 and 22 April 2014, new model curricula were approved for special primary and intermediate general education establishments for children requiring treatment in connection with their physical and/or intellectual development.

7. On 13 May 2014, the Act on the Principles of Preventing and Combating Discrimination was amended to update the definitions used and expand the list of prohibited grounds of discrimination, the scope of the Act, the enumeration of forms of discrimination and the powers of the parliamentary Human Rights Commissioner.

8. On 29 May 2014, sanctions were introduced under administrative law for parking vehicles in spaces reserved for persons with disabilities.

9. On 5 June 2014, a legal basis was approved for implementing inclusive (integrated) teaching for children with special needs in preschools.

10. In 2015, a bill on the principles of Ukrainian legislation on tutorship, guardianship and social protection of adults with no or restricted dispositive capacity and a bill to introduce amendments to the Education Act concerning access by persons with special educational needs to educational services were prepared and submitted to the Cabinet of Ministers.

11. In 2012, through State or State-funded enterprises providing prosthetic and orthopaedic services, 25 service centres were established to offer persons with disabilities technical and other rehabilitation equipment and maintenance services for such equipment.

12. During the period 2012-2014, almost 1.918 million technical and other rehabilitation aids, as well as 1,831 cars, were issued free of charge to adults and children with disabilities and other selected categories of the population.

13. In 2014, more than 20 types of comprehensive development programmes were devised for preschool-age children with special needs including autism, varying degrees of intellectual retardation, blindness, impaired vision, deafness, impaired hearing, locomotor impairments, severe speech disorders and psychosocial developmental delays. Guidelines for teachers and parents were included.

14. In 2013 and 2014, the State Institute for Construction Research, together with the Ukrainian Regional Research and Design Institute of Civil Engineering, a public limited company, developed a manual of architectural solutions for converting residential buildings into apartments for persons with disabilities and a manual of architectural solutions for designing temporary and permanent residential institutions for persons with intellectual retardation.

Definitions (art. 2)

2. Please clarify the definition of the term “persons with disabilities” in the State party’s legislation and the measures taken to bring it into line with the object and purpose of the Convention.

15. In Ukraine, the transition from a medical approach to disability to a rights-based approach, in accordance with the requirements of the Convention on the Rights of Persons with Disabilities, which Ukraine ratified on 16 December 2009, is at an early stage.

16. The process began with the ratification of the Convention and the adoption on 22 December 2011 of the Act amending legislation on the rights of persons with

disabilities, in which the definition of the Ukrainian term “*invalid*” was revised to refer to “persons with persistent impairment of bodily function that, in interaction with the external environment, can limit their everyday activities, so that the State is obliged to create conditions enabling such persons to exercise their rights on an equal basis with other citizens and to ensure their social protection”.

17. Before the Act’s adoption, persons were considered to have a disability if they had a persistent impairment of bodily function, resulting from illness, injury or congenital defects, that limited their everyday activities and caused them to require social assistance and protection.

18. In accordance with the Act, “disability” is defined as a loss of health owing to illness, injury (its effects) or congenital defects that, in interaction with the external environment, can limit the everyday activities of the person concerned. The State has an obligation under the Act to create conditions enabling persons with disabilities to enjoy their rights on an equal basis with other citizens and to ensure their social protection.

19. Thus, the definitions of “persons with disabilities” and “disability” do not focus merely on social assistance and protection, as they did before the Convention’s ratification, but on identifying and removing obstacles and barriers to ensuring the rights and meeting the needs of people with disabilities. In other words, the development and implementation of policies concerning persons with disabilities in Ukraine are already aimed at creating a “society for all”.

20. The next significant step was the adoption on 6 September 2012 of the Act on the Principles of Preventing and Combating Discrimination, which recognizes disability-based discrimination, and on 18 June 2014 of the Act amending legislation on the protection of the rights of persons with disabilities, which makes discrimination on the ground of disability a criminal offence.

21. Each year has seen a more dynamic transition from the medical to the social model of disability, including through improvements in the legal and regulatory framework (identification and elimination of obstacles and barriers to ensuring rights and meeting needs, including in relation to accessing the physical environment, transport, information and communications, and also — taking into account individual abilities, capacities and interests — education, employment, culture, physical activity and sport) and the activities of civil society organizations dealing with the problems facing persons with disabilities.

22. Amendments to the Ukrainian-language translation of the title and text of the Convention have been initiated. With a view to reaching a consensus regarding the correct translation into Ukrainian of the phrase “persons with disabilities”, a letter was sent to Mr. Toyberg-Frandzen, United Nations Resident Coordinator in Ukraine and United Nations Development Programme (UNDP) Resident Representative ad interim in Ukraine, requesting advice on this matter.

23. Mr. Toyberg-Frandzen, in a letter dated 25 July 2014, stated that the matter involved legal issues concerning the translation of the Convention’s provisions. He accordingly forwarded our request to the Committee on the Rights of Persons with Disabilities.

24. The Committee, in a letter dated 6 February 2015, stated that the Ukrainian-language terminology used, which referred to persons with disabilities as “invalids” or “persons with limited abilities”, did not correspond to the purposes of the Convention.

25. Unfortunately, to date the matter has not been resolved, since, in line with article 50 of the Convention, the Ukrainian-language translations of the title and text of the

Convention are identical to the Russian translations, which also contain the term “invalid”.

General obligations (art. 4)

- 3. Please provide information on the measures taken to implement laws, policies and strategies to protect, promote and monitor the rights of persons with disabilities. Please also provide information on plans to ensure that organizations of persons with disabilities can actively engage and meaningfully participate in these decision-making processes.**

26. In accordance with Presidential Decree No. 902 of 1 December 2014, the President’s constitutional authority to ensure respect for the rights and legitimate interests of persons with disabilities, including people who have acquired a disability in the zone where anti-terrorist operations are taking place or in war, is exercised by the Presidential Commissioner for the Rights of Persons with Disabilities.

27. The main objectives of the Office of the Commissioner include:

(1) Monitoring respect in Ukraine for the rights and legitimate interests of persons with disabilities and the fulfilment by Ukraine of its international obligations in this area, as well as presenting to the President, in accordance with the established procedure, proposals for eliminating and preventing restrictions and violations of the rights and legitimate interests of persons with disabilities;

(2) Implementing measures to establish cooperation among central and local government bodies on issues pertaining to the rights and legitimate interests of persons with disabilities;

(3) Submitting to the President proposals for the preparation of draft laws and decrees on the protection of the civil, social, economic and cultural rights and the legitimate interests of persons with disabilities, and creating conditions enabling the enjoyment of those rights and interests.

28. Information on other measures taken to implement laws, policies and strategies for protecting, promoting and monitoring the rights of persons with disabilities is provided in the reply to question 1 and elsewhere; information on ensuring that organizations of persons with disabilities are able to engage actively and participate fully in decision-making processes is provided in the reply to question 32.

- 4. Please inform the Committee about the measures taken to shift from the medical approach to disability to the rights-based approach, as required by the Convention.**

29. Information on the measures taken to move from a medical approach to disability to a rights-based approach, in accordance with the requirements of the Convention, appears in the replies to questions 2 and 3.

B. Specific rights

Equality and non-discrimination (art. 5)

- 5. Please provide updated information on the presidential decree on the strategy to combat discrimination that was approved by the Government in 2011, detailing the sanctions that are used specifically against those who violate the right of persons with disabilities to non-discrimination.**

30. In paragraphs 42 and 46 of the National Plan of Action to Implement the European Union Action Plan on Visa Liberalization for Ukraine, approved by

Presidential Decree No. 494 of 22 April 2011, a number of government agencies were instructed to duly submit for the President's consideration a draft presidential decree on the approval of the strategy to combat discrimination in Ukraine, and to adopt an action plan for implementing the strategy.

31. However, the adoption by the Verkhovna Rada on 6 September 2012 of the Act on the Principles of Preventing and Combating Discrimination obviated the need to approve the strategy to combat discrimination in Ukraine or to adopt a plan of action for its implementation.

32. Pursuant to article 8, paragraph 3, and article 13, paragraph 2, of the Act, the Cabinet of Ministers, in Decision No. 61 of 30 January 2013 on matters relating to expert and public reviews of draft laws and regulations for discriminatory content, approved procedures for the conduct of expert reviews by government agencies and established that public reviews should be carried out by civil society organizations, individuals and legal entities in accordance with the procedures for public consultation on the formulation and implementation of government policy, approved by Decision No. 996 of the Cabinet of Ministers of 3 November 2010.

33. On 13 May 2014, the Verkhovna Rada adopted Act No. 1263 amending legislation to prevent and combat discrimination. The Act is designed to reflect international standards for protecting human and civil rights and freedoms, as well as the recommendations made by experts of the European Union and the Council of Europe concerning the definitions used in the Act on the Principles of Preventing and Combating Discrimination and the expansion of the Act's list of prohibited grounds of discrimination, its scope, the enumeration of forms of discrimination and the powers of the parliamentary Human Rights Commissioner. The law contains provisions on the decriminalization [sic] of certain offences, including the direct or indirect restriction of citizens' rights on certain grounds, which can include disability.

6. Please provide information, disaggregated by sex, on the number of cases brought by persons with disabilities alleging multiple and intersectional discrimination, and on the legal remedies made available to them.

34. In accordance with Act No. 1519 of 18 June 2014 amending legislation on the protection of the rights of persons with disabilities, including article 161 of the Criminal Code, disability was added to the list of grounds on the basis of which it is prohibited to directly or indirectly restrict a person's rights or grant direct or indirect privileges.

35. No statistics are kept on prosecutions under this article.

36. There have been some 10 court decisions awarding persons with disabilities compensation for non-pecuniary damage. All those decisions concerned civil cases.

Women with disabilities (art. 6)

7. Please provide information on the measures taken to ensure that legislation and policies on equal rights and opportunities for women take into account the rights and interests of women and girls with disabilities.

37. As at 1 January 2015, there were 2,568,532 persons with disabilities in Ukraine (or 5.98 per cent of the country's total of 42.9 million permanent residents), including:

- 251,833 persons with category I disabilities;
- 915,891 persons with category II disabilities;
- 1,249,683 persons with category III disabilities;

- 151,125 children with disabilities (44 per cent female, 56 per cent male).

38. Depending on the age group, the number of men with disabilities exceeds the number of women with disabilities by 12 to 20 per cent.

39. To ensure gender equality, the Government on 21 November 2012 approved an outline for a State programme to ensure equal rights and opportunities for women and men for the period up to 2016. It reactivated the Expert Council on Combating Gender-Based Discrimination, which is tasked with promoting the formulation and implementation of public policies to ensure equal rights and opportunities for women and men and prevent all forms of gender-based discrimination, including against women with disabilities.

40. To date no legislative or practical steps (except for the provision of certain rehabilitation services) have been taken to ensure equal rights and opportunities for women with disabilities. This issue is being studied, including by civil society organizations.

41. A gender analysis of the State-funded social, employment-related and vocational rehabilitation programme for persons with disabilities is being conducted within the framework of the Gender Budgeting in Ukraine Project, funded by the Swedish International Development Cooperation Agency.

8. Please provide data and information on gender-based violence and any programmes designed to protect and support women and girls with disabilities against violence.

42. The establishment of an integrated system for combating domestic violence began with the entry into force in 2002 of the Prevention of Domestic Violence Act.

43. The Act defines the general concept and various types of domestic violence and the mechanism for interaction among authorities and institutions responsible for implementing measures to prevent domestic violence (central and local government bodies, internal affairs agencies, tutorship and guardianship authorities, and specialized institutions dealing with perpetrators and victims of domestic violence).

44. To ensure effective collaboration in the implementation of measures to prevent domestic violence, the following texts have been approved:

- A procedure for considering reports and communications about domestic violence or genuine threats thereof (Cabinet of Ministers Decision No. 616 of 26 April 2003), which outlines the mechanism for responding to cases of domestic violence or threats thereof;
- Instructions for cooperation to prevent domestic violence among the entities responsible for administering public policies in that area, the children's services, social service centres for families, children and young people, and the internal affairs agencies (Decree No. 3131/386 of the Ministry for Family, Youth and Sport and the Ministry of Internal Affairs of 7 September 2009).

45. According to statistics, during the first quarter of 2015 there were 29,032 reports of cases of domestic violence, including 25,116 complaints by women.

46. During the first quarter of 2015, social service centres for families, children and young people on various occasions provided assistance to victims of domestic violence, including women.

47. Social services related to domestic violence were provided to a total of 4,947 persons.

48. Victims of domestic violence (including women) also have access to centres providing social and psychological assistance. As at 1 April 2015, there were 18 such centres operating around the country.

49. An action plan for a national campaign entitled “Stop the Violence!” has been approved for the period up to 2015 (Order No. 2154-r of the Cabinet of Ministers of 1 December 2010). The aim is to disseminate information among the population about the legal framework for preventing and combating domestic violence and providing assistance to persons suffering from such violence. The following measures for the plan’s implementation have been approved:

- Guidelines for organizing programmes for the treatment of perpetrators of domestic violence (Decree No. 281 of the Ministry of Social Policy of 8 May 2014);
- Guidelines for treatment programmes for perpetrators of domestic violence (Decree No. 838 of the Ministry of Social Policy of 29 October 2014).

50. Measures to prevent and combat domestic violence are included in the targeted State programme of social support for the family for the period up to 2016, which was approved by the Cabinet of Ministers in its Decision No. 341 of 15 May 2013.

51. To strengthen national legislation on the prevention of domestic violence, the Ministry of Social Policy, in conjunction with the relevant central government bodies, academic experts and NGOs, has prepared draft legislation on preventing and combating domestic violence that provides for a mechanism for implementing measures to prevent domestic violence and provide effective and timely assistance to victims.

52. The draft legislation takes account of the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). In 2011, Ukraine became the seventeenth State to sign the Convention.

53. Becoming a party to the Convention will help Ukraine establish an integrated national-level approach to the elimination of violence against women and domestic violence.

54. The Ministry of Social Policy, together with other central government bodies and international NGOs, is carrying out the necessary preparatory work for the ratification of the Istanbul Convention.

55. In addition, to combat violence against women and children in the occupied territory, the Ministry of Social Policy is preparing a national action plan on women, peace and security for the period up to 2019, which will include the provision of instruction and psychological support by school psychologists, teachers, other educators and parents to address trauma suffered by children in conflict zones.

56. For more information, see the reply to question 20.

Children with disabilities (art. 7)

9. **Please provide detailed information on urgent and relevant measures taken to prevent the institutionalization and abandonment of children with disabilities, in particular in conflict areas in eastern Ukraine. Are there mechanisms in place to monitor the situation in institutions for children with disabilities with regard to the quality of care, services and rehabilitation programmes, as well as the qualifications of staff? What measures are being taken to protect children in such institutions from being exposed to violations of their rights, such as trafficking, sexual exploitation and forced labour?**

57. In Donetsk and Luhansk provinces, within the social welfare system, there are four residential institutions serving some 380 children under the age of 18 with physical and/or intellectual developmental disorders who require nursing care, help with everyday tasks and medical treatment.

58. In the temporarily uncontrolled territories of Donetsk and Luhansk provinces, there is:

- The Shakhter children's home in Donetsk province (12 children);
- The Krasnodon provincial children's home (80 children) and the children's department of the Rivne provincial home for people with special needs (27 children) in Luhansk province.

59. Children can be transferred to an institution in another region only at the request of parents or guardians.

60. In 2014, an attempt was made to remove children from the zone in which anti-terrorist operations were being conducted. In Luhansk province, groups were formed, routes defined and places found in institutions located in territory controlled by the Government of Ukraine. However, because of threats made against the lives of the residents and administrators of the Krasnodon institution and the children's branch of the Rivne institution, who were warned by representatives of the "Luhansk people's republic" that they would be shot if they moved, the transfer was not carried out. The fighters only granted permission to transfer people to the territory of the Russian Federation.

61. As a result, there are currently 107 children in residential institutions in the part of Luhansk province that is not controlled by the Government of Ukraine.

62. All residents of children's homes in Donetsk province have been evacuated. To preserve their life and health, all children residing in the Shakhter institution were evacuated from the combat zone on 3 August 2014. Some of them (12 children) later returned to the institution and currently reside there.

63. Regarding monitoring of the activities of institutions, we would like to report that the social protection units of the provincial administrations and of the Kyiv municipal administration monitor the quality of the social and health-care services received by residents of such institutions.

Awareness-raising (art. 8)

- 10. Please provide information on the steps taken to eradicate prejudices against and gender stereotyping of persons with disabilities and to raise awareness about their rights, as enshrined in the Convention. Please include details of the measures taken to disseminate information in accessible formats, accommodating various forms of disabilities.**

64. Primary- and secondary-school curricula include the topics of humanity and compassion. Humane treatment of persons who are ill and in particular people with special needs is the subject of “Fundamentals of health”, taught to students in grades 2 and 3, while students in grade 4 role-play situations involving helping people with special needs.

65. As part of the ethics programme for grade 6, nine hours are devoted to exploring the value of a democratic civil society.

66. Students in grades 9 to 11 study units on “The rights of the child”, “Human rights”, “Practical law”, “Exploring humanitarian law”, “We are citizens”, “Civic education” and others.

67. Tertiary establishments and regional postgraduate institutes providing teacher training offer a course on “The foundations of inclusive education”.

68. Information on the dissemination of information in accessible formats adapted to various types of disability appears in the reply to question 23.

Accessibility (art. 9)

- 11. Please provide information on the outcomes of the implementation of the State party’s policies, such as the “Ukraine without Barriers” policy for 2009-2015, to provide persons with disabilities with unhindered access to transport and social infrastructure.**

69. The tasks set out in Decision No. 784 of 29 July 2009, by which the Cabinet of Ministers approved the “Ukraine without Barriers” Plan of Action to Create a Barrier-Free Living Environment for Persons with Physical Disabilities and Other Groups with Limited Mobility for the Period 2009-2015, are being carried out by the Ministry of Regional Development, Construction, Housing and Communal Services through the introduction of mandatory State construction standards.

70. All State construction standards approved by the Ministry now contain the full range of requirements necessary to create an accessible and comfortable living environment adapted to the needs of persons with physical disabilities.

71. The list of requirements allows for the design of urban and other infrastructure that is fully adapted to the particular needs of persons with physical disabilities and complies with current international standards.

72. The main regulatory documents pertaining to this matter are the State construction standards on accessibility of buildings and facilities for persons with limited mobility (DBN B.2.2-17:2006), which are circulated in view of the planning and construction (new construction, reconstruction, major repairs) of housing and public facilities. In addition, in recent years, requirements for the provision of an accessible, comfortable and safe environment for persons with limited mobility have been included in all of the main State standards for the planning and construction of housing and public facilities, including houses, public buildings and facilities, health-care and social welfare establishments, sports and fitness facilities, cultural,

entertainment and leisure venues, children's preschool establishments, schools, shops and restaurants, administrative and communal buildings, courts, metro infrastructure and high-rise buildings.

73. Furthermore, the following standards have been introduced:

- DSTU-N B V.2.2-31:2011 — Guide to equipping civic buildings and facilities with accessibility features for persons with visual or hearing impairments;
- GOST ISO 21542:2013 Buildings construction — accessibility and usability of the built environment (ISO 21542:2011, IDT), based on European standard ISO 21542:2011-12 Accessibility and usability of the built environment.

74. In order to work out the details of the relevant requirements in State construction standards and to provide practical help to planning organizations, clients and local government bodies, the Ministry of Regional Development, Construction, Housing and Communal Services, in cooperation with organizations of persons with disabilities, has developed a series of guidelines on how to create an accessible living environment for persons with limited mobility.

75. The Ministry of Infrastructure drafted and approved Order No. 411 of 24 July 2012, which contains a programme for the period 2012-2016 to create suitable conditions for access by persons with disabilities to transport, tourism infrastructure and postal facilities.

76. The programme provides for the implementation of 299 goals and measures with the help of businesses, establishments and organizations that come under the remit of the Ministry of Infrastructure (as at 1 January 2015, 175 of the goals and measures had been achieved, and the remaining ones will be carried out within the specified time frames).

77. In 2014, businesses spent approximately 5.5 million hryvnias on carrying out these measures.

78. Moreover, the Ukrainian railway has at present:

- 19 carriages adapted for passengers with disabilities;
- 10 nine-carriage, dual-system, high-speed, interregional electric trains manufactured by Hyundai with two spaces in each train adapted for persons with disabilities;
- 2 six-carriage, interregional double-decker electric trains manufactured by Skoda with four spaces in each train adapted for persons with disabilities;
- 2 nine-carriage, dual-system, high-speed interregional electric trains manufactured by KVS3 with two spaces in each train adapted for persons with disabilities.

79. The State enterprises Borispol International Airport and Danylo Halytskyi International Airport Lviv come under the remit of the Ministry of Infrastructure.

80. According to information provided by the airports, services for passengers, including those with physical disabilities, are delivered in accordance with guidelines developed internally and aviation company requirements.

81. At the five international airports, Borispol, Lviv, Dnipropetrovsk, Zaporizhzhya and Kyiv, in order to convey passengers with physical or other disabilities to the apron and to help them in and out of the aircraft, a special machine called an Ambulift is used (Borispol has two such machines).

82. At other airports, passengers with physical or other disabilities are taken to the aircraft in low-floor buses.

83. The State postal service enterprise Ukrpochta has 12,628 postal facilities, of which:

- 2,751 have been fitted with additional staff call buttons (174 in 2013, and 99 in 2014);
- 1,506 have been fitted with additional ramps and handrails (78 in 2013, and 37 in 2014);
- 99 have widened their entrances (50 in 2013, and 17 in 2014).

84. In 2015, the Ministry of Regional Development, Construction, Housing and Communal Services made amendments to the procedures for carrying out repairs and maintenance work on local amenities, as approved by Order No. 154 of the State Housing and Communal Services Committee of 23 September 2003, and a meeting was held to develop a comprehensive set of legislative amendments aimed at ensuring unhindered access for persons with disabilities and other groups with limited mobility to existing buildings.

85. The Ministry of Social Policy sent proposals to the Pension Fund for amendments to Cabinet of Ministers Decision No. 1231 of 26 September 2001 on the approval of the competitive selection procedure for banks effecting payments of pensions and financial assistance with the consent of pensioners and recipients of such assistance. These amendments pertained to the provision of unhindered access for persons with disabilities and other groups with limited mobility to banking establishments, branches, remote workplaces, central offices (both from outside the building, including the lobby area, and inside the premises) and cash dispensers.

12. Please inform the Committee about the measures taken to supervise the implementation of the 2011 law regulating urban planning with regard to accessibility provisions, and indicate whether and how the law is applied to public and private sector facilities and buildings, including the newly built urban environment.

86. The implementation of the provisions of the Regulation of Urban Planning Act and of the requirements contained in State construction standards, including those concerning accessibility, by planners and builders during the design and construction process is monitored by the State architectural and construction inspectorate.

87. However, at present, the situation regarding the creation of a barrier-free environment is not satisfactory.

88. Despite the binding nature of the accessibility requirements set out in national legislation, there are very many cases in which these requirements are violated and facilities that are not adapted to the needs of persons with limited mobility are built.

89. Resolving this problem is now a matter of urgency.

90. Furthermore, a solution must be found to the problem of bringing existing buildings into line with accessibility requirements for persons with disabilities and other groups with limited mobility, that is buildings that are already in use and do not therefore constitute construction projects.

91. One way to resolve this problem would be to adopt the bill on the fundamental requirements for buildings and facilities and on harmonizing conditions for marketing construction products in line with European Union legislative norms, which was developed by the Ministry of Regional Development, Construction, Housing and

Communal Services taking into account the consolidated version of Regulation (EU) No. 305/2011 of the European Parliament and of the Council.

92. Article 11 of the above-mentioned bill stipulates that accessibility of use is one of the fundamental requirements for buildings and facilities. Article 15, paragraph 2, of the bill states that buildings and facilities must be designed and constructed with due consideration for their accessibility to and use by persons with physical disabilities and other groups with limited mobility.

93. The adoption of this bill is thus a key precondition for ensuring that buildings and facilities are checked for compliance with accessibility requirements during the inspection and certification procedures.

Situations of risk and humanitarian emergencies (art. 11)

- 13. Please clarify whether the State party's legislation and policies on protecting the population and territories against disasters and natural emergencies include measures to assist persons with disabilities in situations of risk and humanitarian emergencies.**

94. The Act on the Protection of the Population and Territories from Man-Made and Natural Disasters was rescinded when the Code of Civil Protection was adopted.

95. To implement the Code, the Cabinet of Ministers adopted Decision No. 841 of 30 October 2013 approving the evacuation procedure in case of man-made or natural disasters or the risk thereof, which states that evacuation committees established by the Council of Ministers of the Autonomous Republic of Crimea, local agencies of the State and local government bodies are responsible for issuing alerts and overseeing the evacuation and the arrival at designated assembly points of members of the non-working population, including persons with visual, hearing or locomotor impairments or intellectual or mental disabilities.

- 14. Please provide information about the State party's humanitarian emergency response for persons with disabilities in conflict areas in eastern Ukraine and indicate whether organizations of persons with disabilities have been involved in designing these plans. Please also provide any data that are available on programmes designed for internally displaced persons with disabilities.**

96. Act No. 1706 of 20 October 2014 on Safeguarding the Rights and Freedoms of Internally Displaced Persons establishes guarantees to ensure that the rights, freedoms and legitimate interests of internally displaced persons are upheld.

97. The Cabinet of Ministers, in Order No. 588 of 11 June 2014 on the social protection of citizens displaced from temporarily occupied territories and areas where anti-terrorist operations are being conducted, assigned authority for safeguarding the rights and freedoms of internally displaced persons to central and local authorities and local government bodies.

98. Payments by the Pension Fund, the State Employment Service and social welfare agencies take into account the needs of internally displaced persons with disabilities, as do the procedures for the provision of social services by those entities.

99. For example, the amount of targeted monthly financial assistance to cover living expenses, including communal housing fees, provided to persons moving from temporarily occupied territories and areas where anti-terrorist operations are being conducted — the procedure for the payment of which was approved by Cabinet of Ministers Decision No. 505 of 1 October 2014 — exceeds, albeit only slightly, the

amount of financial assistance provided to internally displaced persons with disabilities [sic].

100. According to the latest information, 1,345,100 persons, including 56,859 with disabilities, had moved from temporarily occupied territories and areas where anti-terrorist operations are being conducted to other regions as at 22 June 2015.

101. The Ministry of Social Policy has prepared a draft Cabinet of Ministers decision to approve a comprehensive State programme for the integration, social adaptation, protection and reintegration of internally displaced persons for the period 2015-2016, which takes into account the needs of internally displaced persons with disabilities, including by incorporating proposals made by the European Association for Disability Rights, a nationwide civil society organization.

Equal recognition before the law (art. 12)

15. Please clarify whether the Civil Code provides for a system of supported decision-making for persons with mental and/or psychosocial disabilities who are deprived of their legal capacity.

102. The Civil Code of Ukraine is a codified legislative act that consolidates and systematizes civil law norms and contains general provisions and principles applicable to all parties to civil law relations, including with regard to the dispositive capacity of individuals (it covers, for example, the declaration of a person as having no or limited civil dispositive capacity and the making of tutorship or guardianship arrangements).

103. Thus, under article 39, paragraphs 1 and 2, of the Civil Code, a court may determine that a person does not have dispositive capacity if that person is incapable of understanding the import of his or her actions and/or of controlling them owing to a chronic or persistent mental illness. The procedure for determining that a person does not have dispositive capacity is established in the Code of Civil Procedure.

104. The legal consequences of declaring a person to have no dispositive capacity are established in article 41 of the Civil Code, which states that individuals who do not have dispositive capacity must be placed under tutorship. A person who does not have dispositive capacity does not have the right to carry out any transactions. The tutor carries out transactions on behalf of, and in the interests of, the person concerned.

105. A person is placed under tutorship by a court if he or she has been declared as lacking dispositive capacity; the court appoints a tutor on the recommendation of the tutorship and guardianship authority (Civil Code, art. 60, para. 1).

106. The Civil Code and other laws make no provision for a system of supported decision-making for persons with intellectual and/or mental disabilities who are deprived of their dispositive capacity.

16. Please explain what measures are being taken to ensure the equal right of all persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit.

107. Civil law regulates personal non-property and property relations (civil relations), which are based on the equality of the parties to such relations before the law, their free will and their autonomy over the property they own.

108. Every individual has the right to apply to the courts to protect his or her personal non-property or property rights and interests. At the same time, in accordance with article 242, paragraph 2, of the Civil Code, the tutor of a person who has been declared as having no dispositive capacity acts as the latter's legal representative.

109. The tutor carries out transactions on behalf and in the interests of the ward. It is the tutor's duty to protect the civil rights and interests of the ward. It is the tutor's duty to seek to preserve the ward's property and to use it in the latter's interests. The tutor incurs independently the expenses required to meet the ward's needs, drawing on the latter's pension, child support or compensation for loss of provider, benefits paid to the latter for children under care, other social payments for children under care made pursuant to Ukrainian law, income from the ward's property and so forth. If the ward owns real estate or property requiring ongoing management, the tutor may, with the permission of the tutorship and guardianship authority, manage this property or transfer it to the management of a third party subject to a contract (Civil Code, arts. 67 and 72).

110. At the same time, the tutor, the tutor's wife, husband and close relatives (parents, children, brothers, sisters) may not enter into agreements with the ward, except in order to transfer ownership of property to the ward under a gift contract or for free-of-charge use under the terms of a loan. The tutor may not make gifts or stand bail on behalf of the ward (Civil Code, art. 68).

111. In addition, according to article 71 of the Civil Code, without the permission of the tutorship and guardianship authority, the tutor does not have the right, to:

- (1) Renounce the ward's property rights;
- (2) Give written guarantees on behalf of the ward;
- (3) Conclude agreements that are subject to notarization and/or State registration, including agreements on the judicial division of a house or flat;
- (4) Conclude agreements concerning other valuable property.

112. With regard to inheritance, it should be added that, under article 1268 of the Civil Code, a person lacking dispositive capacity is deemed to have accepted an inheritance except in the cases provided for in article 1273, paragraphs 2, 3 and 4, of the Code.

113. A statement accepting the inheritance on behalf of the person lacking dispositive capacity is made by the tutor.

114. A tutor may refuse to accept an inheritance to which a person lacking dispositive capacity is entitled only with the permission of the tutorship and guardianship authority.

115. If an heir does not have dispositive capacity, the tutor and the tutorship and guardianship authority are responsible for executing the will (Civil Code, arts. 1268, 1269, 1273 and 1292).

116. Ukrainian laws do not place any restrictions on the access of persons with disabilities to bank loans, mortgages and other forms of financial credit, with the exception of those who lack dispositive capacity.

Access to justice (art. 13)

17. **Please clarify whether any amendments have been made to the State party's legislation in order to ensure that persons with disabilities have effective access to justice on an equal basis with others. Please provide information on the measures taken to ensure that they have access to court buildings, to provide sign language interpretation and to enable persons with mental and/or psychosocial disabilities to access justice.**

117. Under article 9 of the Judicial System and Status of Judges Act, the administration of justice in Ukraine is based on the equality of all parties to judicial proceedings before the law and the courts, regardless of race, colour, political, religious or other beliefs, gender, ethnic or social origin, property status, place of residence, language or other characteristics. The courts must create conditions under which every person taking part in judicial proceedings is guaranteed equality with regard to the implementation of the rights and the fulfilment of the obligations specified in procedural law.

118. Article 68, paragraphs 1 and 2, of the Code of Administrative Procedure stipulates that an interpreter may be admitted to proceedings by decision of a court at the request of a person taking part in a case or may be designated on the initiative of the court. The court provides an interpreter if it concludes that, as the result of an inability to pay for interpretation services, a person would be deprived of judicial protection. An interpreter or translator is a person who is fluent in both the language in which the administrative procedure is conducted and another language, knowledge of which is required for oral or written translation from one language to the other, or a person capable of communicating with persons who are deaf, mute or deaf-mute.

119. A similar provision on the right of individuals to an interpreter in court proceedings is contained in article 55 of the Code of Civil Procedure.

120. According to the provisions of article 149, paragraphs 2, 3 and 6 of the Act, the powers of the State Court Administration include ensuring appropriate working conditions for courts of general jurisdiction, examining how the work of the courts is organized, and seeing to the maintenance of judicial statistics, records and archives of such courts.

121. A plan of action to ensure that the premises of general, district, administrative and economic courts and relevant appeal courts afford conditions that are appropriate (overall) for the administration of justice was approved, with amendments, by the Council of Judges in its Decision No. 31 of 2 April 2015 and ratified by the Head of the State Court Administration. The plan includes priority measures to be taken in the course of 2015 with a view to ensuring that persons with limited mobility have unhindered access to court buildings, i.e.: equipping entrances with ramps, call buttons and information boards and designating court officials responsible for assisting such persons in court. The measures provided for in the plan must be carried out within the limits of existing budgetary provisions and additional amounts allocated.

122. According to preliminary estimates, the amount required to install ramps (stationary or transportable) that comply with State construction standards, as well for modernization work, where appropriate, is 26.3 million hryvnias.

123. In accordance with article 41 of the Civil Code, a person who does not have dispositive capacity does not have the right to carry out any transactions.

124. Under article 39 of the Code, a court may determine that a person does not have dispositive capacity if that person is incapable of understanding the import of his or her actions and/or of controlling them owing to a chronic, persistent mental illness.

125. Specific restrictions on access to the courts for persons who lack dispositive capacity are established in the Code of Civil Procedure and Code of Administrative Procedure.

126. For example, according to article 39 of the Code of Civil Procedure, the rights, freedoms and interests of children under the age of 14 years, as well as of individuals who lack dispositive capacity, are protected in the courts by their parents, adoptive parents, tutors or other persons specified by law.

127. At the same time, article 121 of the Code stipulates that suits filed by persons who lack dispositive capacity must be rejected.

128. According to article 48 of the Code of Administrative Procedure, only persons who have attained the age of majority and have not been declared by a court as lacking dispositive capacity, as well as persons who have not yet attained the age of majority but are parties to disputes over public law relations in which the law allows them to participate independently, have the capacity to exercise rights and fulfil obligations related to administrative proceedings personally or instruct representatives to conduct proceedings on their behalf (dispositive capacity in administrative proceedings).

129. In accordance with article 56 of the Code of Administrative Procedure, the rights, freedoms and interests of juveniles and minors who have not attained the age of dispositive capacity in administrative proceedings, as well as of individuals who lack dispositive capacity, are protected in the courts by their legal representatives: parents, adoptive parents, tutors or other persons specified by law.

130. In addition, in order to fulfil the international obligations of Ukraine, including those arising from the Convention for the Protection of Human Rights and Fundamental Freedoms (article 6, Right to a fair trial) and the judgment of the European Court of Human Rights of 30 May 2013 in the case of *Nataliya Mikhaylenko v. Ukraine* concerning the realization by adults who do not have dispositive capacity of their right of access to justice, there are plans to grant such persons the right to apply to the courts for restoration of their dispositive capacity.

131. A provision to this effect is contained in the bill on the principles of Ukrainian legislation on tutorship, guardianship and social protection of adults who lack dispositive capacity and persons with limited civil dispositive capacity, which was developed by the Ministry of Social Policy with the participation of interested agencies, institutions and organizations and has been submitted to the Cabinet of Ministers for consideration.

132. Under the Free Legal Assistance Act, the following categories of person are entitled to free-of-charge secondary legal assistance as provided for in the Act and in other laws of Ukraine:

- Persons with disabilities who receive a pension or a benefit in place of a pension in an amount less than twice the minimum subsistence income for persons unable to work;
- Persons and persons who may be declared by a court to have restricted or no civil dispositive capacity and persons whose civil dispositive capacity may be restored by a court.

18. Please indicate whether the State party has taken measures to train those working in the administration of justice, including the police and prison staff, on procedural accessibility and reasonable accommodation.

133. In Ukraine, awareness-raising on these issues is conducted by organizations of persons with disabilities.

134. These organizations conduct relevant activities among State and non-State organizations. Officials from government bodies participate in these activities as appropriate. Police and prison staff have yet to take part.

Liberty and security of the person (art. 14)

19. Please provide information on the measures taken to provide persons with disabilities who are deprived of their liberty with reasonable accommodation, including access to technical, medical and hygiene facilities.

135. As at 1 January 2015, a total of 2,329 convicted persons with category I, II or III disabilities were being held in institutions of the State Prison Service. In order to accommodate persons recognized as having category I or II disabilities who have been sentenced to deprivation of liberty and who need ongoing medical supervision and rehabilitation, special medical facilities are in operation at two correctional colonies, offering appropriate living conditions for such persons. At present, 516 convicted men and 22 convicted women recognized as having category I or II disabilities and requiring ongoing medical supervision and rehabilitation are being held in the Sofiyevka and Dniprodzerzhynsk correctional colonies under the Dnipropetrovsk province department of the State Prison Service.

136. A personalized rehabilitation programme has been developed in penal institutions for every convicted person with a disability, based on the appropriate models and taking into account the needs and personality of the individual concerned.

137. Unimpeded access for such persons to living quarters, communal facilities, libraries and general education courses has been ensured in these institutions, and conditions are in place for them to receive treatment and enjoy purposeful leisure.

138. In accordance with the procedure for organizing medical care for persons sentenced to deprivation of liberty, approved by joint Order No. 1348/5/572 of the Ministries of Justice and Health of 15 August 2014:

(1) Convicted persons with disabilities are provided with:

- Technical and other rehabilitation equipment, including orthopaedic shoes, special self-help and care devices and mobility aids, under the procedure for the provision of technical and other rehabilitation equipment for persons with disabilities, children with disabilities and other selected categories of the population, which was approved by Cabinet of Ministers Decision No. 321 of 5 April 2012;
- Technical and other equipment, including hearing aids, colostomy bags, incontinence pads and speech output devices, under the procedure for the provision of technical and other equipment to persons with disabilities and children with disabilities, which was approved by Cabinet of Ministers Decision No. 1301 of 3 December 2009;

(2) Convicted persons who have acquired disabilities as a result of an occupational injury or disease are provided, on the basis of the findings of a medical and social care expert commission, with:

- Medical appliances and other technical rehabilitation equipment, in accordance with the regulations on supplying technical and other rehabilitation equipment to victims of occupational accidents or diseases, approved by Decision No. 23 of the Board of the Social Insurance Fund for Accidents at Work and Occupational Diseases of 25 March 2008 (as amended);
- Technical and other equipment, in accordance with the regulations on organizing treatment and medical rehabilitation for and supplying drugs and medical appliances to victims of occupational accidents or diseases, approved by Decision No. 18 of the Board of the Social Insurance Fund for Accidents at Work and Occupational Diseases of 9 June 2010 (as amended);

(3) Technical and other equipment, including rehabilitation equipment, is provided free of charge if the equipment is medically recommended and if the person concerned is entitled to such provision under current legislation. If the convicted person does not have the right to receive this equipment free of charge, it must be paid for from his or her personal account or financed by relatives, friends or charities.

139. Drugs (or similar products) and medical appliances received from a convict's relatives or other persons are registered and are kept in separate cabinets in the medical units of penal institutions; this information is also reflected in the register of drugs or similar products, medical appliances, and technical and other rehabilitation equipment received from relatives and other persons, in the manner specified in annex 2 of the relevant procedure; the convict personally signs the register on completion of the treatment.

140. Technical and other rehabilitation equipment is used by convicts as prescribed and under the supervision of a doctor from the medical unit of the penal institution.

141. Once the individual rehabilitation programme for a person with disabilities has been received by the institution, the head of the medical unit takes immediate measures to ensure that the requirements of this programme are fulfilled, with the exception of those that cannot be fulfilled in prison conditions.

142. In accordance with the internal regulations for penal institutions, approved by Order No. 2186/5 of the Ministry of Justice of 29 December 2014, the administrations of penal institutions in which persons with disabilities and older persons are held must create the conditions required for the special needs of such convicts to be met. When necessary, prison buildings and facilities must be equipped with appropriate construction elements (handrails, ramps, stairlifts, flat thresholds and so on). Personal hygiene articles, basic necessities, drugs and medicines are not taken into account when calculating the weight of parcels (hand-delivered packages) and packets. Personal hygiene items may be taken to facilities provided for extended visits. Cells are equipped with wall-mounted shelves for such items.

Freedom from exploitation, violence and abuse (art. 16)

- 20. Please provide information on the measures taken to prevent violence against and abuse of persons with disabilities, particularly persons with mental disabilities, and ensure that persons with disabilities who become victims of violence and exploitation have access to effective recovery, rehabilitation and social reintegration services and programmes.**

143. Interregional workshops and conferences aimed at improving domestic violence prevention are conducted every year for heads of neighbourhood militia units of the central departments and departments of the Ministry of Internal Affairs and staff from

the criminal militia department dealing with children and from the Ministry of Internal Affairs higher education institutions; they are organized on the initiative of the Department of Public Safety of the Ministry of Internal Affairs, with the participation of various organizations (Organization for Security and Cooperation in Europe (OSCE), UNDP, La Strada Ukraine, Volunteer, the Dnipropetrovsk civil society organization Women's Information and Coordination Centre, and others).

144. For example, on 25 and 26 November 2014, within the framework of a campaign entitled "16 Days against Gender Violence", on the initiative of the Ministry of Internal Affairs, with financial support from the OSCE project coordinator in Ukraine and with the participation of heads of neighbourhood militia units and staff from the Ministry of Social Policy and the other authorities concerned, an international conference entitled "Combating gender-based violence: international best practice" was held, at which the latest legislative amendments and ways of strengthening interdepartmental cooperation in combating domestic violence were discussed.

145. In the period from 25 November to 10 December 2014, staff from public safety militia units of the Ministry of Internal Affairs central departments and departments took part in the national campaign "16 Days against Gender Violence". These activities are conducted every year.

146. From 10 to 12 December 2014, Ministry of Internal Affairs staff participated in a national conference entitled "Gender policies in the context of European integration and the international obligations undertaken by Ukraine".

147. With financial support from the OSCE project coordinator in Ukraine, staff from neighbourhood militia units are undergoing training aimed at developing their practical skills in tackling domestic violence in interactive classrooms opened on the premises of the National Academy of Internal Affairs and the Dnipropetrovsk and Lviv National Universities of Internal Affairs.

148. In 2015, training to prevent violence against women and ensure an adequate response to such cases was conducted in the cities of Kharkiv and Dnipropetrovsk for heads of neighbourhood militia units of the central internal affairs departments for the eponymous provinces, with the financial support of the United Nations Population Fund.

149. In April and May 2015, within the framework of a project on reinforcing and protecting the rights of children in Ukraine, training sessions on the procedure for questioning children who are victims or witnesses of violence and children who have committed violent acts were conducted jointly with the Ukraine office of the Council of Europe, for persons in charge of pretrial investigations that involve children, investigators and officers from the criminal militia department dealing with children.

150. To safeguard the fundamental rights of children, including children with special needs, officers from that department distribute information about the national children's hotline, which is operating on the initiative of the La Strada Ukraine international women's rights centre. Children can contact the hotline to receive qualified assistance on a variety of issues, including on violence and cruel treatment in their regard, family relations, sex education and issues linked to their psychological state.

151. Owing to more timely identification of domestic violence triggers, the recording of offences continues to rise.

152. Thus, in 2015, 73,300 people (66,900 men and 6,400 women) were on the internal affairs offices' register of domestic violence offenders. Some 20,000 persons (18,400 men and 1,600 women) have been registered during the year.

153. In the course of 2015, the Ukrainian internal affairs agencies have received 31,200 complaints and reports concerning offences and other incidents linked to domestic violence, which corresponds to 3.1 per cent of all registered complaints and reports concerning criminal offences and other incidents.

154. The internal affairs agencies have investigated 107 criminal offences committed in the family context, which constitutes 0.3 per cent of all such offences registered. Of these, 3 offences were covered by article 115 of the Criminal Code (Premeditated murder), 7 by article 121 (Intentional grievous bodily harm), 5 by article 122 (Intentional moderate bodily harm), 77 by article 125 (Intentional minor bodily harm) and 15 by other articles of the Code.

155. Some 25,540 reports were filed under article 173-2 of the Code of Administrative Offences in connection with offences involving domestic violence or failure to comply with a restraining order, of which 5,087 (19.9 per cent) were repeat offences.

156. The courts examined 11,600 reports of administrative offences linked to domestic violence, which represents 45.4 per cent of the total.

157. Based on their examination of these reports, the courts passed the following judgements: 10,300 persons (88.6 per cent) were sentenced to a fine and 654 (5.6 per cent) to administrative detention; 210 (1.8 per cent) persons were issued with a warning; 17 (0.1 per cent) persons were sentenced to punitive work and 439 (3.8 per cent) were absolved of administrative liability.

158. In the course of this year, the internal affairs agencies have issued 20,300 official warnings to persons who committed acts of domestic violence and more than 2,000 restraining orders against repeat domestic violence offenders.

159. Pursuant to the requirements of the Domestic Violence Prevention Act, 165 victims of domestic violence (0.8 per cent of those registered) have been referred to specialized institutions for rehabilitation. At the same time, 1,600 repeat domestic violence offenders (31.6 per cent) have been referred to crisis centres to undergo treatment programmes.

160. When conducting these activities, neighbourhood militia officers, in cooperation with local administrations, social services, medical institutions, crisis centres and rehabilitation centres for victims of domestic violence, have focused their main efforts on the timely identification of troubled families, the conduct of preventive activities and the provision to victims of domestic violence of information and legal advice.

161. Officers from the criminal militia department dealing with children carry out preventive and awareness-raising activities with children from families in difficult circumstances, as well as with their parents. They take measures aimed at the timely identification of persons likely to commit acts of domestic violence and children who have been subjected to, or are at risk of being subjected to, violence, and inform the social service centres for families, children and young people about such children.

162. Joint activities are being carried out with the teaching staff of educational institutions, during which neighbourhood militia officers and officers from the criminal militia department dealing with children provide information on issues related to the prevention of drug addiction, alcoholism, HIV/AIDS and offending.

163. Additional information is contained in the reply to question 8.

21. What measures are being taken to ensure that all services and programmes designed to serve persons with disabilities are effectively monitored by independent authorities in order, inter alia, to prevent violence and abuse, especially against women and girls with disabilities?

164. The Ministry of Social Policy is supporting a series of initiatives by non-governmental, international and civil society organizations working to prevent domestic violence, including against women and girls with disabilities.

165. The “16 Days against Gender Violence” campaign is being conducted by the Ministry of Social Policy with the support of international and civil society organizations, provincial administrations and the Kyiv municipal administration.

166. In order to further develop cooperation with international and civil society organizations, a memorandum on cooperation has been signed between the Ministry of Social Policy and the Ukrainian Foundation for Public Health, an international charitable foundation, under which a project on international technical assistance entitled “Freedom from violence: improving access to social services in Ukraine” is being implemented.

167. A working group has been established under the Ministry of Social Policy, composed of representatives of the Supreme Court, the State Court Administration, the Office of the Parliamentary Human Rights Commissioner, the Ministry of Social Policy, Ministry of Justice, Ministry of Internal Affairs, Ministry of Health, Ministry of Education and Science, and international and civil society organizations.

168. The task of the working group consists in amending current legislation to bring it into line with the provisions of the Istanbul Convention, as part of the preparations for ratification of the instrument by Ukraine.

169. In addition, pursuant to the Council of Europe Action Plan for 2011-2014, implementation of the Council of Europe project “Preventing and combating violence against women and domestic violence in Ukraine” has commenced, with the aims of strengthening the capacity of national institutions to prevent and combat violence against women, including young women with disabilities, and domestic violence, and raising awareness about violence against women and domestic violence among court officials, law enforcement authorities, health-care agencies, social services, other relevant experts and members of the public.

170. The Ministry of Social Policy is the main beneficiary of the Council of Europe project. Other project partners in Ukraine are the Ministry of Internal Affairs, Ministry of Justice, Ministry of Health, Ministry of Foreign Affairs, and international and civil society organizations.

171. International experts from the Council of Europe are also involved in the implementation of the project, which will make it possible, when evaluating the legislative framework in Ukraine, to obtain recommendations on how to take into account the norms of international law, and to facilitate the process of ratification of the Istanbul Convention.

Living independently and being included in the community (art. 19)**22. Please provide information on the number of persons with mental and/or psychosocial disabilities living in institutions, disaggregated by sex, and on the measures taken to prevent institutionalization by providing in-home, residential and community-based services.**

172. In order to provide appropriate living conditions for persons with intellectual and/or mental disabilities, as well as for older persons who require nursing care and assistance, 289 residential care institutions are in operation within the Ukrainian social welfare system. Around 34,300 persons with intellectual impairments and/or mental disorders, including 16,000 women and 18,300 men, are living in these institutions.

173. The activities of local social service centres (provision of social services) constitute an alternative type of service provision for persons living in residential care institutions.

174. As at 1 January 2015, 658 local centres, providing services to 1,430, 000 persons, were operating in Ukraine.

175. To help older citizens remain physically and socially active, the centres have in-home social assistance units providing social services to over 400,000 persons; independent living units offering help to around 500,000 persons; social and medical service units assisting 165,000 persons; and residential facilities for temporary or permanent stays, accommodating 9,100 persons. In addition, targeted assistance in cash and in kind is provided to over 500,000 persons.

176. The centres are constantly integrating innovative social services into their work, in particular: educational services, available through the University of the Third Age; in-home palliative care, provided to 112 terminally ill persons in Kyiv; multidisciplinary social services; in-home care for persons with mental disabilities; and day care for children with disabilities.

177. At present, Ukraine's social service system is undergoing a reform aimed, inter alia, at developing community-based services and ensuring that these services are available in places of residence. In 2014, as part of the reform and thanks to cooperation between the Ministry of Social Policy and regional authorities, with funding from local budgets, 65 units providing day care for children with disabilities (day-care groups for children with disabilities) were established in existing social institutions, including on the premises of local social service centres (9 units), children's homes (2 units) and centres for the social rehabilitation of children with disabilities (54 units). These units provide social assistance in the form of day care for over 1,300 children with disabilities.

178. To ensure the provision of day care, including for children with disabilities, a State standard for day care (Order No. 452 of 30 July 2013) and model regulations on day-care units for persons with disabilities (Order No. 653 of the Ministry of Social Policy of 9 October 2013) have been approved, and draft model regulations on day-care units for older persons and persons with disabilities have been developed.

179. In the course of 2014, the Ministry of Social Policy cooperated with the European Profiles S.A. consortium (Greece), the Federation Global Initiative on Psychiatry (Netherlands), the National Confederation of Disabled People (Greece) and Euro-Link Consultants (Romania) in developing a plan of action aimed at transforming residential institutions for children with special needs and creating conditions for the development of alternative forms of care for such children, as well as improving the system of social services for them.

180. The plan of action was developed on the basis of research into the way social services are provided by residential institutions in Zhytomyr province, namely, the Teterev, Novoborov, Romanov and Pugachev children's homes. At present, the activities set out in the relevant plans are being conducted in a number of provinces.

Freedom of expression and opinion, and access to information (art. 21)

23. Please provide information on the specific steps taken to implement the State party's legislation providing for access to information for persons with disabilities in augmentative and alternative means, modes and formats of communication, such as sign language, Braille and easy to read formats, among others.

181. According to data from the State Television and Radio Broadcasting Committee, in 2014 State television and radio broadcasters adapted a total of 8,577 hours of public programming for persons with hearing impairments (compared with 10,429 hours in 2013, 6,254 hours in 2012 and 5,806 hours in 2011). It should be pointed out that, already, 24 to 36 per cent of television programmes broadcast by such leading channels as Novy kanal, Inter and ICTV are adapted (through the use of captioning, subtitles and sign language interpretation).

182. Every third foreign film released each year since 2008 has had subtitles. The ratio, in percentage terms, of subtitled to dubbed or synchronized films was: 67.1 and 140 per cent in 2008; 55.4 and 287.5 per cent in 2009; 62.6 and 316.7 per cent in 2010; 76.8 and 173.8 per cent in 2011; 94.3 and 117.1 per cent in 2012; 70.7 and 119.2 per cent in 2013; and 140 and 280 per cent in 2014. Films with subtitles constituted 27 per cent of all foreign films released in 2008; 30 per cent in 2009; 34 per cent in 2010; 35 per cent in 2011; 34 per cent in 2012; 44.4 per cent in 2013; and 93.3 per cent in 2014.

183. The number of films with subtitles is steadily increasing, both over time and relative to the number of dubbed or synchronized films, which is facilitating access to such films and videos for persons with hearing impairments.

184. Foreign-made films with Ukrainian subtitles made up 36.8 per cent of the total number of subtitled films in 2013 and 8.6 per cent in 2014. Films with Ukrainian subtitles, shown in the original language, represented 21.9 per cent of all films with subtitles in 2013 and 7.1 per cent in 2014. Films with Ukrainian subtitles, produced in Ukraine and dubbed or synchronized in Russian, made up 41.4 per cent of all films with subtitles released in 2013 and 28.6 per cent in 2014.

185. The Ukrainian Society of the Deaf has an educational rehabilitation centre, which, at present, has the necessary licence and enough resources to train the required number of sign language interpreters. The Dragomanov National Pedagogical University (Institute of Special Education and Psychology, Faculty of Deaf Education) provides vocational training for the following occupations: special education (deaf education) teacher (7.010106 and 8.010106); preschool and school teacher for children with hearing impairments — sign language interpreter (6.010105); primary school teacher for children with hearing impairments — school psychologist (7.010106); and special education teacher and specialist psychologist — primary schoolteacher for children with hearing impairments — school psychologist (8.010106). Students are taught tactile and sign language.

186. By Decision No. 730 of 26 September 2013, the Cabinet of Ministers instructed ministries, other central government bodies, the Council of Ministers of the Autonomous Republic of Crimea and local agencies of the State to ensure the

accessibility of information contained on official websites for users with visual or hearing impairments.

187. By Joint Order No. 24/26 of 16 February 2015, the State Television and Radio Broadcasting Committee and the Ministry of Regional Development, Construction, Housing and Communal Services of Ukraine approved changes to the procedure for the functioning of government websites: a series of requirements was introduced to ensure the accessibility of information on official websites for users with visual or hearing impairments.

188. In this connection, the State Television and Radio Broadcasting Committee has developed a draft order to approve the procedure it will follow when monitoring the content of official government websites. Once the Ministry of Justice registers the order, the State Committee will, as part of the semi-annual content monitoring process, assess, inter alia, the accessibility of information on those websites for persons with visual and hearing impairments.

189. The State Television and Radio Broadcasting Committee has drawn up a bill to amend certain laws of Ukraine with a view to improving access to information for persons with hearing impairments, which proposes fixing a minimum proportion of television programming that must be adapted to the needs of those persons.

190. In 2013, 2.9 million hryvnias from the State budget were used to supply textbooks, including textbooks in Braille, to children with intellectual or physical developmental disorders. These resources were allocated to the publication of textbooks and manuals, 60 titles (62,667 copies) altogether, including:

- For children with visual impairments, 11 titles in Braille (2,009 copies) and 5 in large print (4,970 copies);
- For deaf students, 18 titles (8,348 copies), and for students with hearing impairments, 7 titles (2,878 copies);
- For children with psychosocial developmental delays, 6 titles (6,302 copies), and for children with intellectual retardation, 13 titles (38,160 copies).

191. Every year the Social Protection Fund for Persons with Disabilities finances the publication of periodicals and books in Braille, the list of which is approved by the Ministry of Social Policy. In 2011, 598,021 hryvnias were allocated to this end and enabled the publication of 38 issues of the newspaper *Luch* (268,800 pages), 10 issues of *Shkolnik* magazine (160,000 pages), 10 issues of *Prizyv* magazine (176,000 pages) and 29 books (158,100 pages). In 2012, 761,880 hryvnias were used to print 48 issues of *Luch* (119,520 pages), 12 issues of *Shkolnik* (123,120 pages), 12 issues of *Prizyv* (119,520 pages) and 36 books (209,440 pages).

192. No funds were allocated in 2013.

193. In 2014, 311,168 hryvnias were allocated to the publication of books in Braille, and 18 books were printed (107,712 pages); work on the other publications is under way and will be fully completed. In order to fulfil the cultural and spiritual needs of persons with visual impairments, the State Television and Radio Broadcasting Committee ensures, as part of the Ukrainian Book Programme, the printing of publications in Braille, using a thermographic method with lower-case letters and dots.

194. For example, in 2014, a national recording and publishing enterprise attached to the Ukrainian Society for the Blind published a book entitled *Zheltaya podvodnaya lodka* (Yellow Submarine), on problems encountered by young people with disabilities in modern society, which was written by Ms. Olga Tilnaya, a blind writer and member of the Writers' Union of Ukraine.

195. There are plans to publish six books in Braille in 2015. These include: a compilation of the best poems of poet and translator Vasily Lyashchuk, *Zapakhlo nekhvoroshech i myatoy* (The Scent of Wormwood and Mint), in two volumes; collections of fairy tales for children, *Mir moikh skazok: Repka. Kurochka Ryaba* (My World of Fairy Tales: The Little Turnip. Ryaba the Hen) and *Mir moikh skazok: Perchatka. Kolosok* (My World of Fairy Tales: The Glove. The Spikelet); and a compilation of selected works by Taras Shevchenko (five volumes) and Mikhail Kotsyubinsky *Dorogoy tsenoy. Intermezzo. Teni zabytykh predkov* (At a Heavy Price. Intermezzo. The Shadows of Forgotten Ancestors) (three volumes).

196. These publications will be reproduced for blind persons using the Braille raised dot system and planographic printing; the colour drawings will be reproduced in a special style, with relief and image duplication. The books have introductions that talk about the main events in the writers' lives and art, as well as annotations making it easier for blind readers to understand the text.

197. The State Intellectual Property Service is continuing to assess the likely political, legal, social, economic, financial, humanitarian and other consequences of accession by Ukraine to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, and is also conducting consultations with organizations of persons with visual impairments and experts from the World Intellectual Property Organization.

Respect for privacy (art. 22)

24. Please provide information on measures taken to protect the right to privacy for all persons with disabilities in all settings, including residential settings.

198. In accordance with the Constitution of Ukraine, individuals have the right to life; the right to health; the right to a safe and healthy environment; the right to liberty and security of person; the right to respect for private and family life; the right to dignity and honour; the right to privacy of correspondence, telephone calls and telegraphic and other communication; the right to inviolability of the home; the right to freedom of choice of residence and freedom of movement; and the right to freedom of literary, artistic, scientific and technical creation (Civil Code, art. 270).

199. Individuals have the right to privacy. They may define for themselves the limits of their private life and the extent to which others may be acquainted with it, and they have the right to maintain the confidentiality of their private circumstances.

200. A person's private circumstances may be disclosed by others only if they contain *indicia* of an offence, as confirmed by a court ruling, or with the consent of that person (Civil Code, art. 301).

201. Under article 311 of the Civil Code, a person's dwelling is inviolable. Entry into the dwelling place or other property of a person, and the inspection or search thereof, are not permitted, other than pursuant to a reasoned court decision.

202. In urgent cases related to the preservation of human life and property or to the direct pursuit of persons suspected of committing a crime, another procedure may be established by law for entry into a person's dwelling place or other property, and for the inspection and search thereof.

203. A person may not be evicted or otherwise forced to give up his or her home, except in the cases provided for by law.

204. It should be added that such cases include, for example, the purchase of housing in connection with the acquisition of a plot of land to meet a public need (Civil Code, art. 351), the purchase of houses that are historic or cultural monuments (Civil Code,

art. 352), and the confiscation of housing in execution of a court sentence passed for the commission of a crime (Civil Code, art. 354).

Education (art. 24)

25. Please provide information on measures to include all children with disabilities in mainstream education at all levels and to prevent the widespread practice of segregating children and adults with disabilities in special needs schools.

205. As part of efforts to implement the Convention on the Rights of the Child and Ukrainian education legislation and acts of the President of Ukraine and the Cabinet of Ministers on safeguarding the rights of persons with disabilities, the Ministry of Education and Science coordinates the activities of education authorities aimed at carrying out public policies on education for children with disabilities, as well as on their rehabilitation, social adaptation and integration into society.

206. The main priority is the introduction of integrated and inclusive education for preschool- and school-age children with special needs.

207. The Preschool Education Act guarantees preschool education, inter alia, for children with special needs: various type of preschool education establishment provide childcare, medical care, social protection, developmental services, education and instruction for children up to the age of 6, 7 or 8 years, regardless of their state of health, in accordance with the requirements of the Basic Components of Preschool Education. Children with long-term treatment and rehabilitation requirements are guaranteed the right to attend State and community preschool education establishments with flexible schedules.

208. Act No. 1324-VII of 5 June 2014, which introduced amendments to legislation on education concerning the provision of inclusive instruction, was adopted with a view to ensuring the continuous and systematic nature of the process of integrating children with special needs into the general education system (including preschool education). Pursuant to the Act, the Ministry of Education and Science is developing a number of laws and regulations.

209. The procedures for forming inclusive groups in preschool education establishments were approved by joint Order No. 104/52 of the Ministry of Education and Science and the Ministry of Health of 6 February 2015. Work to amend the regulations on preschool education establishments and the procedures for organizing activities of inclusive groups in such establishments is continuing.

210. According to statistical data, there were 1,475 preschool education establishments with all types of special group, attended by 7,746 children with disabilities, in 2014 and 2015.

211. Article 9 of the General Secondary Education Act defines types of general education establishment and gives such establishments the right to open inclusive or special classes for children with special educational needs.

212. The Ministry of Education and Science has established the relevant organizational and legal framework for the provision of general secondary education to children with special needs, taking into consideration society's wishes.

213. The regulations on special general education schools (residential schools) for children requiring physical and/or intellectual rehabilitation, approved by Ministry of Education and Science Order No. 852 of 15 August 2008, provide for the education of children with complex developmental disorders, including autism, as well as deaf-blind children and children who are unable to move unassisted, on condition that there is appropriate support.

214. The State standards for primary general education for children with special educational needs (Cabinet of Ministers Decision No. 607 of 21 August 2013), the regulations on education and rehabilitation centres (Order No. 920 of 16 August 2012) and the regulations on distance education (Order No. 466 of 25 April 2013) were approved with a view to ensuring access to mainstream secondary education for children with disabilities.

215. In the 2014/15 academic year, 59,600 children with disabilities were attending general education establishments. In addition, 2,165 pupils with special needs were attending inclusive classes in general education schools, and approximately 500 additional teaching assistant posts were being established in order to provide those children with teaching support, according to the education authorities.

216. To create the necessary conditions for realizing the right to education of persons with special needs, a section on education for persons with special educational needs has been included in the draft Education Act, which was developed with the participation of civil society organizations and discussed at the Parliamentary Committee on Science and Education hearings on 20 May 2015.

26. Please provide data on the financial resources allocated to measures aimed at implementing inclusive education policies in order to provide students with disabilities with reasonable accommodation, including training provided for educators to ensure support for inclusive education in public schools.

217. Figures from the State Statistics Service show that, at the beginning of the 2014/15 academic year, 4,244 students with disabilities were studying at higher education establishments with level I or II accreditation, and 12,333 students with disabilities at establishments with level III or IV accreditation.

218. In accordance with the Act on the Principles of Social Protection for Persons with Disabilities, the requirements for admission to Ukrainian higher education institutions in 2015, which were approved by Ministry of Education and Science Order No. 1172 of 15 October 2014 and registered by the Ministry of Justice on 4 November 2014 as No. 1390/26107, provide that persons with category I or II disabilities may be admitted to such institutions without having to sit an entrance examination.

219. Pursuant to the concluding provisions of the Higher Education Act, the Ministry of Education and Science has developed a comprehensive State programme to realize the constitutional right of persons with special educational needs to receive education in higher education establishments and has allocated resources for reasonable accommodation for students with disabilities so as to enable them to study in higher education establishments.

220. The Ministry of Education and Science has recently prepared a draft order of the Cabinet of Ministers approving the outline of an integrated State programme for the period up to 2020 on the realization of the constitutional right of persons with special educational needs to receive education in higher education establishments, which is being discussed by the relevant authorities.

Health (art. 25)

- 27. What measures have been taken to provide accessible, gender-sensitive, mainstream and quality health-care services, including sexual and reproductive health services, to persons with disabilities on an equal basis with others? Please provide information on the financial resources and training provided for that purpose. Please also provide information on the measures taken to prevent discrimination and degrading treatment in the provision of health-care services to persons with disabilities, especially in rural areas.**

221. Ukraine has not developed special legislation on the provision of accessible, gender-sensitive, quality health-care services, including sexual and reproductive health services, to persons with disabilities.

222. In Ukraine, gender equality requirements are guaranteed through national legislation, inter alia, the Family Code, Labour Code and Civil Code. Under the legislation, women with disabilities have access to health care on an equal basis with others.

Habilitation and rehabilitation (art. 26)

- 28. Please provide information on the measures taken to strengthen habilitation and rehabilitation programmes in coordination with organizations of persons with disabilities, and on the financial resources available for such programmes, which foster independent living in the community.**

223. State policy on rehabilitation is implemented within the framework of the Rehabilitation of Persons with Disabilities Act.

224. In order to ensure the timely, comprehensive and continuous nature of the rehabilitation process, as well as to prevent disabilities from getting worse, overcome the consequences of disability and make persons with disabilities more independent, the Ministry of Social Policy and the social welfare agencies at the regional and local levels have established a network of rehabilitation institutions for adults and children with disabilities.

225. As at 1 January 2015, the Ministry of Social Policy and the social welfare agencies were running 165 rehabilitation institutions for adults and children with disabilities, 9 of which are State owned and report directly to the Ministry. Around 16,500 adults and children with disabilities undergo rehabilitation in these institutions, including 3,000 in the State rehabilitation institutions.

226. Under the Ministry of Health, 45 medical and social rehabilitation centres for children with organic nervous-system lesions are open to children with visual, hearing or locomotor impairments or severe speech disorders and children with intellectual retardation or psychosocial developmental delays, while 48 education and rehabilitation centres (with 5,468 students) operate under the Ministry of Education and Science.

227. The Invasport network of physical fitness and sports facilities for persons with disabilities comprises 25 regional centres, 80 offices in regional and local centres, 24 sports schools for children and adolescents with disabilities, and 148 physical fitness and sports clubs.

228. Since March 2014, the Western Sports and Rehabilitation Centre, which is the largest sports facility in Ukraine offering sporting activities and physical rehabilitation for persons with disabilities, has been playing an important role in developing disability sports and rehabilitation through physical education.

229. Since 2012, the State budget of Ukraine has funded the implementation of two rehabilitation programmes for children with disabilities: one comprising rehabilitation activities for children with cerebral palsy, and the other providing for the rehabilitation of such children at the International Rehabilitation Clinic. Over 150 million hryvnias have been allocated for these activities. Under the first programme, modern LokomatPro rehabilitation equipment, Hand of Hope robotic rehabilitation systems, G-EO locomotor rehabilitation systems, Nirvana rehabilitation systems for persons affected by neuromotor impairments and Atlant compression garments have been purchased for some rehabilitation institutions.

230. In June 2015, the Government approved a bill introducing amendments to the Budget Code of Ukraine concerning allocations for rehabilitation centres for adults and children with disabilities, with a view to putting into practice a model of comprehensive rehabilitation.

231. As European experience demonstrates, establishing universal rehabilitation institutions that offer a full range of rehabilitation services (for example, vocational and/or medical and/or social rehabilitation) is currently a more rational solution for both adults and children (with locomotor impairments, visual or hearing impairments, intellectual retardation or psychosocial developmental delays and so forth).

232. In connection with this bill, there are plans to amend the Budget Code of Ukraine in order to ensure adequate funding for all rehabilitation institutions, not only the few that report to the Ministry of Social Policy and the social welfare agencies.

233. In 2007, in order to establish a systematic approach to the work of rehabilitation institutions, an advisory board on issues related to the rehabilitation of adults and children with disabilities was established under the Ministry of Labour and Social Policy.

234. The board, inter alia, examines key areas, forms and methods of work with respect to scientific and methodological support and human resource allocation for rehabilitation institutions, and develops and implements a systematic approach to the activities of the network of such institutions.

235. Since its establishment, the board has approved almost 200 methodological manuals, notably manuals recommended to specialists from rehabilitation institutions for use in their practical work.

236. In 2014, in accordance with Cabinet of Ministers Decision No. 154 of 7 February 2007 approving the procedures for organizing the preparation and implementation of twinning projects in Ukraine, the Ministry of Social Policy raised the question of seeking international technical assistance under a twinning project with the aim of establishing an efficient mechanism for early intervention (habilitation services) in Ukraine. The relevant consultations have already been conducted by the Ministry with the National Civil Service Agency and the European Union Delegation to Ukraine.

237. The aim of this project is to introduce a system of early intervention in Ukraine in order to prevent disabilities, reduce the consequences of disabilities among children and ensure the fullest possible integration into society of children who are at risk of developing disabilities and children with disabilities.

238. A study of European best practice, as well as cooperation with State entities in European countries, will help Ukraine develop its own model of early intervention.

Work and employment (art. 27)

- 29. Please provide information on the measures taken by the State party to combat discrimination against persons with disabilities in the labour market and to increase the level of employment of persons with disabilities, including the implementation of the 4 per cent quota for the employment of persons with disabilities established under the law on the social protection of persons with disabilities.**

239. The Employment Act, which entered into force in 2013, establishes the right to protection against discrimination in employment. In article 11, the State guarantees individuals the right to protection against any discrimination in employment based on race, colour, political, religious or other beliefs, membership of trade unions or other associations, sex, age, ethnic or social origin, property status, place of residence, or linguistic or other grounds. Providing additional assistance with job placement to specific categories of the population is not considered to constitute discrimination. Specifying an age limit for candidates in vacancy announcements (advertisements), offering jobs only to women or men (except in the case of specific jobs that can be performed only by persons of one sex), establishing requirements that favour one of the sexes or requesting persons seeking employment to provide information about their personal lives is prohibited.

240. Thus, in national legislation, disability is not listed as a separate ground of discrimination, including in employment, but is covered by the term “other grounds”.

241. In addition, the draft Labour Code (revised), which was submitted to the Verkhovna Rada on 27 December 2014, prohibits all discrimination in employment, including violations of the principle of equal rights and opportunities, and direct or indirect restrictions on the rights of employees based on race, colour, political, religious or other beliefs, sex, ethnic, social or foreign origin, age, health, disability, suspected or confirmed HIV/AIDS infection, family or property status, family obligations, place of residence, membership of trade unions or other associations, participation in strikes, filing of appeals, intention to file appeals with courts or other bodies to defend rights, support provided to other workers in defending their rights, or linguistic or other grounds not linked to the nature of the work or the conditions in which it is performed.

242. In accordance with article 14 of the Employment Act, persons with disabilities who have not reached the age of retirement belong to the category of citizens who enjoy additional guarantees with respect to finding employment. For example, under article 26 of the Act, employers are offered compensation in an amount equivalent to the single contribution to the Compulsory State Social Insurance Fund for the actual costs of recruiting unemployed persons with disabilities, while article 30 establishes the right to receive a one-time voucher aimed at enhancing competitiveness through retraining, specialization or further training in professions and specialisms in priority sectors of the economy.

243. Over 43,200 unemployed persons with disabilities used the State Employment Service in 2014, which is 9.3 per cent more than in 2013. Employment was obtained by 11,800 persons with disabilities on referral from employment centres, 965 of whom started their own businesses after receiving a lump-sum unemployment benefit for entrepreneurial activities.

244. Between January and May 2015, 28,400 registered unemployed persons with disabilities received services at the State Employment Service. With the assistance of the Service, 4,800 unemployed persons with disabilities found jobs, including 290 who opened businesses after receiving a lump-sum unemployment benefit.

245. In the course of 2014, 3,400 unemployed persons with disabilities and, in the period between January and May 2015, 1,600 such persons received additional social support with participation in public and other temporary work projects. Such work is designed to help the unemployed maintain their professional skills, ensure more rational use of the labour force, facilitate temporary employment and reduce social tensions on the labour market.

246. Employment centres conduct awareness-raising work with employers, including individual and group consultations and seminars on job placement, adaptation, job creation and employment opportunities for persons with disabilities.

247. As at 1 June 2015, the updated list of vacancies posted by employers contained 48,100 jobs, 6,800 of which were indicated by employers as being suitable for persons with disabilities.

248. The State Employment Service provides a full range of social services to persons with disabilities in order to facilitate their adaptation to the demands of the labour market, employment and integration into society, as required by law.

249. Vocational guidance is provided to this category of citizens in cooperation with departments of the Social Protection Fund for Persons with Disabilities, the employment and social welfare services, social and medical assessment panels, vocational and social rehabilitation centres for persons with disabilities, organizations of persons with disabilities and other partners.

250. Individual and group career information services, vocational counselling and professional selection (including through the use of psychological assessment) are offered to persons with disabilities, taking into account the recommendations of the social and medical assessment panels and those contained in individual vocational rehabilitation programmes.

251. All employment centres have specialists who provide targeted services to persons with disabilities; offer such persons free access to information materials and to a nationwide vacancy database; and have set up special facilities to enable them to work independently and, inter alia, have access to the Internet. At the same time, special kiosks or stands providing information on vacancies for persons with disabilities have been created, as well as information points with regulatory documents and background information on issues related to their social protection and rehabilitation and employment and training opportunities.

252. With a view to promoting the social integration of persons with disabilities, their participation in vocational guidance events alongside other categories of unemployed citizens is being encouraged.

253. There is also a special system for organizing activities targeted exclusively at persons with disabilities. During specialized job fairs, round-table discussions and open days organized for them, persons with disabilities can talk to employers, obtain information and legal advice, find a job in their professional field and receive job referrals.

254. In the course of 2014, the State Employment Service provided vocational guidance services to around 42,000 registered unemployed persons with disabilities (97.2 per cent of all such persons on the unemployment register during this period).

255. In the period between January and May 2015, vocational guidance services were provided to some 26,800 persons with disabilities (94.3 per cent of those on the register).

256. The Ministry of Social Policy has developed a series of bills aimed at tackling, at the national level, the obstacles to improving the employment situation of persons with disabilities and at securing the implementation of the Convention in Ukraine.

257. For example, a bill to amend legislation on the employment of persons with disabilities, which has already been submitted to the Cabinet of Ministers for consideration, envisages incentive measures for employers to ensure that they help to realize the right to work of persons with disabilities. These measures include establishing alternative ways of complying with the job quota for such persons, namely:

- Allowing employers to meet the quota by concluding agreements with businesses run by organizations of persons with disabilities for the production or supply of goods, works and services. This approach is used in European Union countries, where any employer may comply with these quotas by purchasing or ordering goods and services produced or supplied directly by business run by organizations of persons with disabilities;
- Halving the quota in the case of recruitment of persons with category I or II disabilities resulting from mental illness (that is, introducing a differentiated approach to the work of persons with disabilities);
- Offering employers subsidies to encourage them to create not only special jobs, as is currently provided for, but also regular posts for persons with disabilities, since those persons are in much greater need of regular posts than of special jobs;
- Reimbursing employers through the Social Protection Fund for Persons with Disabilities the actual costs incurred in connection with the payment of the single contribution to the Compulsory State Social Insurance Fund.

258. In addition, it is proposed in the bill to make the following additions:

- In article 188-1 of the Code of Administrative Offences, provisions establishing administrative liability (without increasing the fines) for employers' failure to comply with the procedures for registration with the departments of the Social Protection Fund for Persons with Disabilities and for the late submission to these departments of reports on the employment and job placement of persons with disabilities;
- In articles 7 and 8 of the Collective Contracts and Agreements Act, which deal with the content of collective contracts and agreements, obligations including compliance with the job quota for persons with disabilities, establishment of adequate working conditions and accessibility for such persons (taking into account their individual rehabilitation programmes), and provision of other safeguards.

259. In addition, in order to provide better vocational training and jobs for persons with disabilities, the Ministry of Social Policy, by Order No. 347 of 3 June 2014, approved a revised version of the procedures for cooperation among government bodies and institutions dealing with vocational rehabilitation, employment and job placement for persons with disabilities.

260. As at 1 April 2015, there were 742,591 employed persons with disabilities (as at 1 January 2014, 749,660; 1 January 2013, 717,317; 1 January 2012, 678,106; and 1 January 2011, 630,556).

Adequate standard of living and social protection (art. 28)

- 30. Please provide information on the levels of poverty among persons with disabilities, including children with disabilities, in comparison with adults and children who do not have disabilities, as well as information on the social protection measures adopted in this regard.**

261. With a view to developing an efficient social welfare system and reducing poverty in Ukraine, a State special social programme to overcome and prevent poverty for the period up to 2015, which sets out the main thrust of proactive and effective anti-poverty policies, including social support for persons who are unfit for work and persons with physical disabilities, has been implemented since 2011.

262. The programme includes measures to prioritize provision of prosthetic and orthopaedic appliances to children with disabilities, taking into account their individual needs; offer comprehensive rehabilitation for adults and children with disabilities in existing rehabilitation institutions; and pave the way for the introduction and development of inclusive and integrated education for persons with disabilities in vocational and technical institutes and higher education institutions.

263. According to monitoring data from a survey on household living conditions, the poverty rate in Ukraine reached 23.9 per cent in the first six months of 2014. The level of poverty among persons with disabilities, including children with disabilities, is not calculated separately.

Participation in political and public life (art. 29)

- 31. Please provide information on plans to repeal legislation that prevents citizens with disabilities whose legal capacity had been restricted from fully exercising their right to vote.**

264. According to the Constitution of Ukraine and electoral laws, citizens deemed by a court to lack dispositive capacity may not vote.

265. The issue of granting the right to vote to persons who lack dispositive capacity is currently being considered.

C. Special obligations

National implementation and monitoring (art. 33)

- 32. Please provide updated information on the establishment of a national independent mechanism to monitor the implementation of the Convention, and on the involvement of organizations of persons with disabilities in any consultations on proposals for such a mechanism.**

266. In accordance with the list of central authorities and other government bodies in charge of implementing the obligations arising from the membership of Ukraine in international organizations, approved by Cabinet of Ministers Decision No. 1371 of 13 September 2002, the following authorities have been entrusted with monitoring the implementation of obligations related to the Committee on the Rights of Persons with Disabilities: the Ministry of Social Policy, the Ministry of Justice, the Ministry of Health, the Ministry of Regional Development, Construction, Housing and Communal Services, the State Television and Radio Broadcasting Committee, the Ministry of Infrastructure and the Ministry of Foreign Affairs, with the participation of the parliamentary Human Rights Commissioner.

267. Article 1 of the Act on the Principles of Social Protection for Persons with Disabilities states that all individuals and legal entities employing hired labour must ensure the participation of organizations of persons with disabilities in the preparation of decisions concerning the rights and interests of those persons.

268. According to regulations issued by the Cabinet of Ministers (Decision No. 659 of 25 July 2012), Ministry of Justice (Order of 14 November 2013) and State Committee on Technical Regulatory Issues and Consumer Policy (No. 232 of 23 June 2011), draft laws, regulations and standards affecting persons with disabilities must without fail be submitted for approval by organizations of such persons prior to adoption.

269. Another mechanism aimed at involving organizations of persons with disabilities in decision-making is their participation in the work of consultative and advisory bodies at both the central and regional levels (public councils, working groups and others).

270. The regulations governing the Council for Persons with Disabilities attached to the Cabinet of Ministers (No. 996 of 3 November 2010, as amended on 8 April 2015 and 14 May 2015), known as the Model Regulations on public councils attached to government bodies, were approved by Cabinet of Ministers Decision No. 837 of 12 December 1994 (as revised by Decision No. 537 of 7 August 2013, taking into account the amendments made on 25 June 2014).

271. The procedures for facilitating public scrutiny of the activities of government bodies were approved by Cabinet of Ministers Decision No. 976 of 5 November 2008 (as amended on 14 October 2009 and 8 April 2015). Such scrutiny is an integral part of the democratic governance framework, under which civil society institutions evaluate the work of government bodies and the efficiency with which they adopt and implement decisions, and propose solutions to socially important problems, which the authorities take into account in their work.

272. In addition, procedures for conducting consultations with the public on the elaboration and implementation of State policies were also approved, by Cabinet of Ministers Decision No. 996 of 3 November 2010 (as amended on 8 April 2015). Public consultations focus on issues related to the social and economic development of the State, the realization and protection of citizens' rights and freedoms, and the upholding of their political, economic, social, cultural and other interests. Public consultations take the form of public discussion (direct consultation) and studies of public opinion.

273. There is a rather large number of civil society organizations in Ukraine that bring together persons with disabilities and defend their rights. The activities carried out by some of these organizations (the most active ones) under their statutes are partially funded from both the State and local budgets.
