

## Towards a disability-inclusive recovery and reconstruction of Ukraine

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We, the European Disability Forum, and undersigned organisations draw attention to the continued trauma and discrimination faced by persons with disabilities because of the 2022 full-scale invasion of Ukraine by Russia and the ongoing war <sup>1</sup>. The Russian Federation, Ukraine, the European Union (EU), and all the European Union Member States have ratified the Convention on the Rights of Persons with Disabilities (CRPD). They are bound by its obligations, in particular CRPD Article 11 on situations of risk and humanitarian emergencies. Similarly, all States involved in the war are bound to respect the humanitarian principles, international humanitarian law and human rights law, which outlaw discrimination.

The intention of this declaration is to ensure that the **rights and requirements of persons with disabilities** are fully respected by policy makers and donors, while **planning, implementing, and monitoring recovery and reconstruction reforms**, such as the Ukraine Facility Regulation. We urge that the **recovery and reconstruction of Ukraine will be in line with the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD)<sup>2</sup>. We also express our strong support for Ukraine's path to the EU accession**, and we emphasise that the country's EU candidate status is an opportunity to rebuild an inclusive and resilient society, in line with the CRPD and *EU Acquis*. Such reconstruction requires prioritisation of accessibility, Universal Design, and transition from residential institutions to community-based support from the beginning (deinstitutionalisation), with investment of specific budget to ensure that these principles are fundamentally non-negotiable. This must be underpinned by human rights and with full consultation of civil society, including meaningful participation of persons with disabilities through their representative organisations. With reconstruction based on human rights and disability inclusion, Ukraine will be an example to countries facing similar situations. **We strongly urge the EU, the EU Member States, the Ukrainian Government, the United Nations, international donors, policy makers, and the whole humanitarian community to:**

- Ensure meaningful **participation of representative organisations of persons with disabilities<sup>3</sup> (OPDs)** in all **decision-making processes at all steps of the recovery and reconstruction of Ukraine**, from planning to implementation. It is crucial that OPDs are provided with any resources necessary to ensure this participation, that all such processes are fully accessible to persons with disabilities, and that reasonable accommodation is provided where necessary.
- Emphasise that Ukraine's recovery and reconstruction efforts should align with and contribute to the implementation of the CRPD by Ukraine, the EU, and its Member States.
- Pay particular attention to include those **most marginalised** (including children, women, older persons<sup>4</sup>, persons with psychosocial and intellectual disabilities, deafblind persons, persons with high support needs, those confined to institutional settings and psychiatric hospitals), as well as those who do not fall under the scope of the EU Temporary Protection Directive, and others in specific situations of risk.

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<sup>1</sup> <https://s.org.ua/en/researchen/the-impact-of-the-war-on-the-rights-of-people-with-disabilities-in-ukraine-monitoring-report/>

<sup>2</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>

<sup>3</sup> <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsnbHatvuFkZ%2Bt93Y3D%2Baa2pjFYzWLBu0vA%2BBR7QovZhbuyqzjDN0plweYI46WXRJ6aB3Mx4y%2FspT%2BQRy5K2mKse5zjo%2BfvBDVu%2B42R9iK1p#:~:text=States%20parties%20should%20acknowledge%20the,of%20the%20rights%20to%20be>

<sup>4</sup> <https://www.amnesty.org/en/documents/eur50/7385/2023/en/>

- **Put accessibility<sup>5</sup> as core principle** of recovery and reconstruction of Ukraine. The measures developed by the Ukrainian authorities, by the EU and its Member States should contribute to building and/or rebuilding more accessible and inclusive communities. These measures shall apply to, inter alia: a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces; b) Information, communications and other services, including electronic services and emergency services. They should also include, inter alia: ensuring timely and appropriate response of public authorities to appeals regarding the lack of accessibility of physical environment; an adequate system of control over compliance with regulations and national standards in the field of accessibility; an effective and transparent mechanism for monitoring compliance with legal requirements in terms of ensuring accessibility of physical environment for persons with disabilities and other low-mobility groups; an effective mechanism for involving the public in monitoring the implementation of legislation on accessibility; an effective mechanism for bringing to justice for failure to ensure physical accessibility and accessibility of information and communication.
- Ensure the **timely collection of disaggregated data** by gender, age, and disability, using the Washington Group questions<sup>6</sup> and apply the Organisation for Economic Cooperation and Development's Development Assistance Committee (OECD DAC) Disability Marker<sup>7</sup> where relevant.
- Effectively implement already-existing frameworks and guidelines, in particular the **Inter-Agency Standing Committee (IASC) Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action**.<sup>8</sup>
- Build disability-inclusive resilience in line with the **Sendai Framework<sup>9</sup>** and the **UNDRR Roadmap for Europe and Central Asia 2021-2030<sup>10</sup>**.
- Prioritise the **transition from residential institutions to community-based support**, for children, adults, and older persons with disabilities **within the objectives of recovery and reconstructions programmes and actions, in line with the CRPD Committee Guidelines on deinstitutionalisation, including in emergencies<sup>11</sup>**. Ensure that resources are not used to perpetuate segregation of persons with disabilities, including through the building, renovation and running of institutions, sheltered workshops, day-care centre or special schools. This includes making all public services fully accessible (in particular, education and health care) while providing relevant community-based disability-specific services and direct support, including personal assistance.

It is essential to use public funds wisely, including EU funds and EU accession budget, for rebuilding Ukraine. This process should fully include everyone and respect the rights of persons with disabilities. No funds should be used to support building, renovating, or running institutions or any other setting that segregates persons with disabilities. As organisations of persons with disabilities and experts in disability inclusion across Europe, we stand prepared

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<sup>5</sup> <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-9-accessibility.html>

<sup>6</sup> <https://www.washingtongroup-disability.com/question-sets/>

<sup>7</sup> <https://www.edf-feph.org/oe.cd-dac-disability-marker/#:~:text=The%20marker%20allows%20the%20DAC,they%20target%20persons%20with%20disabilities.>

<sup>8</sup> <https://interagencystandingcommittee.org/iasc-guidelines-on-inclusion-of-persons-with-disabilities-in-humanitarian-action-2019>

<sup>9</sup> [https://www.preventionweb.net/files/43291\\_sendaiframeworkfordrren.pdf](https://www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf)

<sup>10</sup> <https://www.undrr.org/publication/european-forum-disaster-risk-reduction-roadmap-2021-2030>

<sup>11</sup> <https://www.ohchr.org/en/documents/legal-standards-and-guidelines/crpd5-guidelines-deinstitutionalization-including>

to share our experience and know-how in the mentioned areas. Our goal is to ensure a fully inclusive recovery and rebuilding process for Ukraine that prioritise persons with disabilities.