**Submission**

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**Article 11. Risk Situations and Humanitarian Emergencies**

The last five years have been characterized by the adoption of several regulatory acts to protect the population in risk situations and emergencies. It should be noted that practically all acts also provide for measures to protect persons with disabilities, but a detailed analysis of these documents shows the lack of a systematic approach and declarative nature of individual norms.

Emergency alerts. Notification via technical means and information via mass media are provided for state emergencies taking into account the specifics of notification of persons with physical, mental, intellectual and sensory disabilities[[1]](#footnote-0). The State Committee for Television and Radio-Broadcasting of Ukraine is responsible for informing the population via networks of TV and radio organizations of all forms of ownership (accompanying information in sign language and/or subtitles if it is voice, and audio commentary if it is visual)[[2]](#footnote-1).

Regular briefings of the Ministry of Health of Ukraine during the spread of COVI-19 were translated into Ukrainian sign language. At the same time, video materials without captions and infographics without a text description were found on the official page of the Ministry in the COVID-19 News[[3]](#footnote-2) section. There are also no materials on this issue in easy-to-read format.

Notification of persons with disabilities and other PLM (people with limited mobility) should be organized by local executive authorities (local self-government bodies), owners of the property where these persons may be located. Their notification should provide for the use of technical means that take into account differentiation by types of disability of people with disabilities (sound beacons, light and sound detectors, means of audio commentary, subtitles, sign language translation, sending text messages, and other appropriate means)[[4]](#footnote-3).

The existing centralized notification system does not provide alerts in convenient formats for persons with disabilities[[5]](#footnote-4). It is planned to launch the national and territorial automated centralized notification systems in December 2023. However, the deadline for the reconstruction of local automated centralized notification systems has not been determined[[6]](#footnote-5).

Functional requirements for an automated centralized notification system include only a general requirement for communicating signals and messages to persons with physical, mental, intellectual, and sensory disabilities in a convenient form[[7]](#footnote-6). It seems that technical requirements should be unified and contain more detailed recommendations for providing information to persons with various disabilities. The absence of a national standard for providing information during emergencies will not contribute to obtaining information in a convenient format.

Evacuation of the population. Since 2016, it is stipulated that the evacuation plan of the population should contain a separate section on planning measures for the evacuation of persons with disabilities and other PLM[[8]](#footnote-7). The corresponding section of the Methodology for Planning Evacuation Measures[[9]](#footnote-8) describes in great detail what needs to be done to plan an evacuation. Despite the details, the practical side of this process still seems unrealistic. For example, it is practically impossible to collect data on people with disabilities (place of residence/stay, type of disability, ability to move independently, need for support or medical support, etc.). Firstly, such detailed information is not available to any authority, and there is no interaction between them. Secondly, such data can constantly change, and therefore it is necessary to provide regular updates. Thirdly, some of the information is the personal data of a person, for the processing of which consent is required. And it is also necessary to protect personal information about a person, in particular about their disability. It also seems unrealistic to "provide vehicles with special equipment for boarding (disembarking) and transporting persons with disabilities", since there is very little available transport, especially at the level of district centers. Points on the notification in convenient forms and on adapting homes and premises to the needs of evacuated persons with disabilities require, first of all, financial investments.

In 2018, the procedure [[10]](#footnote-9)for identifying and accompanying persons with disabilities living in the emergency zone or possible damage was approved. This procedure provides for identifying the appropriate category of persons by visiting their place of residence, assessing their life support needs, and determining the type of assistance they need. Currently, it is impossible to assess the efficiency of this regulatory act.

Accessibility of civil protection facilities. Unfortunately, there is no progress in creating conditions for the accessibility of civil protection facilities. The regulatory acts adopted over the past 5 years declare the issue of their availability but the control mechanism is questionable. In particular, it is stipulated that the construction of protective facilities is carried out ensuring their accessibility for persons with disabilities, and the business entity shall ensure its accessibility when using a protective facility for its own needs[[11]](#footnote-10). On August 1, 2019, the new State Building Standards (SBS) В.1.2-4:2019 "Engineering and Technical Measures of Civil Protection" came into effect. Due to the fact that these norms are classified as "for official use", it is impossible to analyze them, but the official message of the Cabinet of Ministers of Ukraine states that "the design of barrier-free space for people with disabilities in civil protection facilities has been improved"[[12]](#footnote-11).

Requirements for the maintenance and operation of protective facilities provide that the entrances should ensure the possibility of using them by persons with disabilities and PLM and should additionally be equipped with wooden or metal ladders in the absence of ramps[[13]](#footnote-12).

There are several levels of assessment of the state of protective facilities for their intended use. First, such an assessment is carried out annually by the asset holder. The general inspection of the premises and entrances is carried out during the assessment. Disadvantages, according to which a protective facility will be considered "unprepared", include a very generalized criterion "lack of access to a protective facility"[[14]](#footnote-13). So, we cannot conclude that this self-control includes the issue of assessing the accessibility of a building for people with disabilities, especially given the fact that the accessibility requirements for existing ones relate exclusively to the entrance to a civil protection facility.

The State Emergency Service of Ukraine has no authority to monitor the availability of civil protection facilities for people with disabilities[[15]](#footnote-14) but only check the state of readiness of these facilities during scheduled and unscheduled inspections by state supervision and control bodies.

Confirmation that checking the accessibility of civil protection facilities is not part of the overall control system is the decision of individual authorities to create working groups to check accessibility[[16]](#footnote-15).

As of the end of 2019, 21,233 civil protection facilities are registered in Ukraine, including 28% state-owned. According to the results of inspections, 10% of the total number of protective facilities are rated as "ready" for their intended use, 63% – as "partially ready" (this category includes the criteria for access to a protective facility), and 27 % – as "not ready"[[17]](#footnote-16). Based on the results of inspections of the State Emergency Service of Ukraine, together with state administrations, relevant acts are drawn up, which, in particular, have recommendations for ensuring unhindered access to them for all categories of the population[[18]](#footnote-17).

So, there are currently no generalized data on the availability of civil protection facilities for people with disabilities, although the public is convinced that there are very few such facilities. Restoring existing facilities may be difficult, but the state should first assess the situation, which would ensure future progress in this field. Official information from the state that local authorities spread information about available civil protection facilities on official websites, in particular on interactive maps, is questionable[[19]](#footnote-18). Viewing interactive maps of the Lviv[[20]](#footnote-19), Chernivtsi[[21]](#footnote-20), Odessa[[22]](#footnote-21), Donetsk[[23]](#footnote-22), and Dnipropetrovsk[[24]](#footnote-23) regions confirmed the absence of such information.

Protection of persons with disabilities in residential and health care institutions. The creation and functioning of notification systems in residential institutions, inpatient health care institutions, penitentiary institutions, enterprises, institutions, and organizations of the Ukrainian Blind Association and the Ukrainian Deaf Association, other enterprises, institutions, and organizations that provide services to persons with disabilities and PLM is declared[[25]](#footnote-24). The design, creation (reconstruction), and maintenance of such a notification system is carried out on the basis of a decision of the facility manager, but the issue of resources for installing appropriate systems remains unresolved.

In June 2019, a fire in a psychiatric hospital in Odessa killed 6 people, five of whom were patients of the hospital. At the time of the fire, there were 54 patients, some of whom could not move independently, and only three medical workers[[26]](#footnote-25). The fire at the end of 2019 in the Starobilsk Psychoneurological Boarding School resulted in four deaths and three injured[[27]](#footnote-26).

1. Resolution of the Cabinet of Ministers of Ukraine No. 223 dated 14.03.2018 "On Approval of the State Emergency Response Plan" // [https://zakon.rada.gov.ua/laws/show/223-2018-%D0%BF](https://zakon.rada.gov.ua/laws/show/223-2018-%25D0%25BF) [↑](#footnote-ref-0)
2. Ibid. [↑](#footnote-ref-1)
3. <https://moz.gov.ua/koronavirus-2019-ncov> [↑](#footnote-ref-2)
4. Resolution of the Cabinet of Ministers of Ukraine No. 733 dated 27.09.2017 "On Approval of the Regulation on the Organization of Notification of Threat or Emergencies and Communications in the Field of Civil Protection" // [https://zakon.rada.gov.ua/laws/show/733-2017-%D0%BF](https://zakon.rada.gov.ua/laws/show/733-2017-%25D0%25BF) [↑](#footnote-ref-3)
5. Decree of the Cabinet of Ministers of Ukraine No. 43-R dated 31.01.2018 "On Approval of the Concept of Development and Technical Modernization of the Centralized Notification System for Emergencies Threat or Occurrence" // [https://zakon.rada.gov.ua/laws/show/43-2018-%D1%80](https://zakon.rada.gov.ua/laws/show/43-2018-%25D1%2580) [↑](#footnote-ref-4)
6. Decree of the Cabinet of Ministers of Ukraine No. 488 dated 11.07.2018 "On Approval of the Action Plan for the Implementation of the Concept of Development and Technical Modernization of the Centralized Notification System for Emergencies Threat or Occurrence" // [https://zakon.rada.gov.ua/laws/show/488-2018-%D1%80](https://zakon.rada.gov.ua/laws/show/488-2018-%25D1%2580) [↑](#footnote-ref-5)
7. Order of the Ministry of Internal Affairs of Ukraine No. 93 dated 08.02.2019 "On Approval of Instruction on Practices or Procedures for Designing, Research, Commissioning, Operation and Maintenance of Automated Centralized Notification Systems" //<https://zakon.rada.gov.ua/laws/show/z0418-19> [↑](#footnote-ref-6)
8. Resolution of the Cabinet of Ministers of Ukraine No. 841 dated 30.10.2013 "On Approval of the Procedure for Evacuation in Case of Emergencies Threat or Occurrence" // [https://zakon.rada.gov.ua/laws/show/841-2013-%D0%BF](https://zakon.rada.gov.ua/laws/show/841-2013-%25D0%25BF) [↑](#footnote-ref-7)
9. Order of the Ministry of Internal Affairs of Ukraine No. 579 dated 10.07.2017 "On Approval of the Methodology for Planning Evacuation Measures" //<https://zakon.rada.gov.ua/laws/show/z0938-17> [↑](#footnote-ref-8)
10. Resolution of the Cabinet of Ministers of Ukraine No. 282 dated 18.04.2018 "On Approval of the Procedure for Identifying Persons with Disabilities and other PLM Living in the Emergency Zone or Possible Damage and Organizing Their Support" // [https://zakon.rada.gov.ua/laws/show/282-2018-%D0%BF](https://zakon.rada.gov.ua/laws/show/282-2018-%25D0%25BF) [↑](#footnote-ref-9)
11. Resolution of the Cabinet of Ministers of Ukraine No. 138 dated 10.03.2017 "Some Issues of Using Civil Protection Facilities" // [https://zakon.rada.gov.ua/laws/show/138-2017-%D0%BF](https://zakon.rada.gov.ua/laws/show/138-2017-%25D0%25BF) [↑](#footnote-ref-10)
12. Since August 1, building codes that strengthen civil protection of citizens in case of emergencies have come into effect //<https://www.kmu.gov.ua/news/z-1-serpnya-pochali-diyati-budivelni-normi-yaki-posilyuyut-civilnij-zahist-gromadyan-u-vipadku-nadzvichajnih-situacij> [↑](#footnote-ref-11)
13. Order of the Ministry of Internal Affairs of Ukraine No. 579 dated 09.07.2018 "On Approval of Requirements for the Use and Accounting of the Civil Protection Facilities Fund" //<https://zakon.rada.gov.ua/laws/show/z0879-18> [↑](#footnote-ref-12)
14. Ibid. [↑](#footnote-ref-13)
15. Resolution of the Cabinet of Ministers of Ukraine No. 1052 dated 16.12.2015 "On Approval of Regulations on the State Emergency Service of Ukraine" // [https://zakon.rada.gov.ua/laws/show/1052-2015-%D0%BF](https://zakon.rada.gov.ua/laws/show/1052-2015-%25D0%25BF) [↑](#footnote-ref-14)
16. Order of the Kherson Regional State Administration No. 292 dated 28.04.2017 "On the Working Group on Accessibility of Civil Protection Facilities of the Region for Persons with Disabilities" //<http://search.ligazakon.ua/l_doc2.nsf/link1/XR170284.html> [↑](#footnote-ref-15)
17. Order of the Ministry of Internal Affairs of Ukraine No. 579 dated 09.07.2018 "On Approval of Requirements for the Use and Accounting of the Civil Protection Facilities Fund" //<https://zakon.rada.gov.ua/laws/show/z0879-18> [↑](#footnote-ref-16)
18. Information on the status of implementation by ministries and other central executive authorities of the Action Plan for the Implementation of Recommendations set out in the Concluding Observations Provided by the UN Committee on the Rights of Persons with Disabilities to the First Report of Ukraine on the Implementation of the UN Convention on the Rights of Persons with Disabilities for the period up to 2020, for 2019 // <http://www.msp.gov.ua/files/inv/zvit2019.doc> [↑](#footnote-ref-17)
19. Information on the status of implementation by ministries and other central executive authorities of the Action Plan for the Implementation of Recommendations set out in the Concluding Observations Provided by the UN Committee on the Rights of Persons with Disabilities to the First Report of Ukraine on the Implementation of the UN Convention on the Rights of Persons with Disabilities for the period up to 2020, for 2019 // <http://www.msp.gov.ua/files/inv/zvit2019.doc> [↑](#footnote-ref-18)
20. Interactive map of civil protection facilities of the Lviv region //<https://lv.dsns.gov.ua/ua/Interaktivna-karta-zahisnih-sporud-civilnogo-zahistu-Lvivskoyi-oblasti.html> [↑](#footnote-ref-19)
21. Civil protection facilities of the Chernivtsi region //<https://cv.dsns.gov.ua/ua/Interaktivna-karta-zahisnih-sporud-civilnogo-zahistu-CHerniveckoyi-oblasti.html> [↑](#footnote-ref-20)
22. Interactive map of civil protection facilities, dual-use facilities, and the simplest shelters in the Odessa region //<http://reni-rda.odessa.gov.ua/pdviwena-gotovnst/pres-sluzhba-dsns-ukrani-nformu/nteraktivna-karta-roztashuvannya-zahisnih-sporud-civlnogo-zahistu-sporud-podvjnogo-priznachennya-ta-najprostshih-ukrittv-odesko/> [↑](#footnote-ref-21)
23. Map of protective facilities of the Donetsk region //<https://dn.gov.ua/ua/gromadyanam/zahist/karta-zahisnih-sporud-doneckoyi-oblasti> [↑](#footnote-ref-22)
24. Protective facilities of the Dnipropetrovsk region // [https://www.google.com/maps/d/viewer?mid=1gTutV5L72aFrHQwrrZN9RvRjH1s&ll=48.33701933672717%2C34.947982550000006&z=7](https://www.google.com/maps/d/viewer?mid=1gTutV5L72aFrHQwrrZN9RvRjH1s&ll=48.33701933672717%252C34.947982550000006&z=7) [↑](#footnote-ref-23)
25. Resolution of the Cabinet of Ministers of Ukraine No. 733 dated 27.09.2017 "On Approval of the Regulation on the Organization of Notification of Threat or Emergencies and Communications in the Field of Civil Protection" // [https://zakon.rada.gov.ua/laws/show/733-2017-%D0%BF](https://zakon.rada.gov.ua/laws/show/733-2017-%25D0%25BF) [↑](#footnote-ref-24)
26. The State Emergency Service of Ukraine Stated the Cause of Fire in the Odessa Psychiatric Hospital with 6 Victims //<http://www.nrcu.gov.ua/news.html?newsID=88005> [↑](#footnote-ref-25)
27. Fire in the Psychoneurological Boarding School in Luhansk Region: Four Dead //<https://www.pravda.com.ua/news/2019/12/23/7235608/> [↑](#footnote-ref-26)