**ENGLISH**

**Questionnaires to inform the thematic report of the Special Rapporteur on the rights of persons with disabilities on armed conflict, 76th General Assembly – 2021**

I. Context

For his thematic report to the United National General Assembly, 76th session, the Special Rapporteur on the rights of persons with disabilities, Mr. Gerard Quinn, intends to focus on the protection of persons with disabilities in the context of armed conflict.

The Special Rapporteur intends to undertake innovative research related to the protection of persons with disabilities in the context of armed conflict. In the report, he aims to examine the current application of the specific obligations enumerated in Article 11 of the [United Nations Convention on the Rights of Persons with Disabilities (CRPD)](https://www.ohchr.org/en/hrbodies/crpd/pages/conventionrightspersonswithdisabilities.aspx) and United Nations [Security Council Resolution 2475 (2019)](https://undocs.org/s/res/2475%282019%29) to ensure the protection and safety of persons with disabilities in the context of armed conflict.

The report will also seek to present good practices, emerging trends, existing challenges, and identified gaps in the interpretation, operationalization and engagement of the above obligations.

The Special Rapporteur hopes to further align the disability rights perspective with international humanitarian law by providing effective guidance on how to ensure persons with disabilities and their rights are respected on an equal basis with other civilians.

Toward this end, the Special Rapporteur transmits these Questionnaires which focus on policy (A: States), operationalization (B: Military authorities) and collective voice in the process (C: civil society).

II. Questionnaire/s.

# C: Civil Society

The purpose of this set of questions is to ascertain whether and to what extent civil society has engaged with their respective governments and militaries on the implications of the CRPD and UN Security Council Resolution 2475 (2019) in relevant military operations (including peace keeping and peacebuilding operations) and what impact they can report from such engagement.

These are engagement-oriented questions and will be supplemented by more detailed policy questions directed at States (A: above) and operational questions directed at military authorities (B: above).

Please attach links to any relevant reports, trainings, press statements, or other documents.

## QUESTIONS

1. Please provide information on whether and how your organization engages on the protection of persons with disabilities under international humanitarian law.

**By ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2009, Ukraine has committed itself to ensuring and promoting the full realization of all human rights and fundamental freedoms by all persons with disabilities without discrimination on the basis of disability.**

**At the same time, the Association Agreement between Ukraine and the EU provides for compliance with relevant European standards in the field of human rights for people with disabilities, including health, education, employment, services etc., as well as the introduction of new approaches to addressing this issue.**

**Thus, in cooperation with international and non-governmental organizations, in particular the United Nations in Ukraine and the Office of Friedrich Ebert Foundation in Ukraine, 7 trainings on "Recognition and Response to Discrimination" were held for representatives of state and local authorities.**

1. Please provide information on whether your organization engages with the government on laws or statutes that punish criminal acts that specifically target persons with disabilities.

**The Coordinating Council for Equal Rights and Freedoms under the Representative of the Commissioner for Equal Rights and Freedoms, Non-Discrimination and Gender Equality has been established in the Commissioner’s Office. It includes members of a number of public organizations, specialists with experience in non-discrimination and gender equality.**

**The Coordinating Council acts as a collegial advisory body in order to provide the Commissioner with advisory support, make proposals and recommendations on ensuring gender equality and non-discrimination.**

**Prohibition of discrimination, including on the grounds of disability, is provided by the Law of Ukraine "On Principles of Preventing and Combating Discrimination in Ukraine", and Article 16 of the law provides for liability for violation of legislation on preventing and combating discrimination, which can be civil, administrative and criminal.**

**At the same time, the provisions of the Law "On Social Protection of Persons with Disabilities" need to be further aligned with the provisions of the framework anti-discrimination law, in particular in terms of establishing clearly defined liability for discrimination on the grounds of disability and denial of reasonable accommodation.**

**The Law of Ukraine №1490-VIII of 07.09.2016 "On Amendments to the Law of Ukraine "On Ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol" amended the official Ukrainian translation of the Convention and its Optional Protocol changing the term "disabled" to "a person with a disability" in the translation.**

**Subsequently, relevant amendments were made to more than 70 national legislative acts by the Law of Ukraine №2581-VIII of 02.10.2018 "On Amendments to Certain Legislative Acts of Ukraine Concerning the Use of the Term "A Person with Disability" and Derivatives thereof".**

**A positive step in improving Ukrainian legislation in the field of preventing and combating discrimination and bringing it in line with international standards was the inclusion into the Code of Labor Laws of Ukraine of the list of features prohibiting discrimination in the field of labor, including such protected grounds as "sexual orientation", "gender identity", "disability" etc. (Article 2-1 of the Labor Code of Ukraine), which brought national labor legislation closer to European standards.**

**However, a significant shortcoming of the current legislation is the difficulty of establishing civil and administrative liability for violations of legislation on preventing and combating discrimination.**

**Consequently, criminal liability for discrimination is an ineffective tool of protection, in particular due to the difficulty of proving discrimination in criminal proceedings. In recent years, law enforcement agencies have not opened any criminal proceedings under Article 161 of the Criminal Code, which would directly concern discrimination, including on the grounds of disability. The Law on Combating Discrimination provides for administrative liability for discrimination, which, however, is not implemented in practice, as there are no relevant norms in the Code of Administrative Offenses.**

**An important step towards closing the gap in this regard should be the adoption of the bill "On Amendments to Certain Legislative Acts of Ukraine (on harmonization of legislation in the field of prevention and combating discrimination with European Union law)" (Reg. № 0931 of 29.08.2019), which provides harmonization of Ukrainian legislation with European legislation on combating discrimination.**

**At the same time, despite some progress in the legislative regulation of the principle of equality, Ukraine has not fully ensured the transition from medical recognition of disability to a human rights-based approach that does not allow people with disabilities to exercise their rights on an equal basis along with other members of society.**

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