

UKRAINE RECOVERY

Statement by Ukrainian and International Disability Rights Organizations

The signatories to this letter are Ukrainian and international organizations of persons with disabilities and civil society organizations dedicated to the protection of rights and full community inclusion of children and adults with disabilities.

The Proposal for a Regulation of the European Parliament and of the Council on establishing the Ukraine Facility is a step towards supporting Ukraine's short-term recovery needs and fostering its reconstruction that should bring much needed reforms. We welcome an explicit mention of the UN Convention on the Rights of Persons with Disabilities (CRPD) in the preamble and its call for inclusion of people with disabilities in the Ukraine recovery process.

While we express overall positivity regarding the Ukraine Facility, we would like to express our concern that the principles of meaningful participation, inclusion, CRPD alignment and transparency – all recognized within the Ukraine Facility – are not reflected in drafting of the Ukraine Plan by the Ukrainian authorities. We are concerned that the Draft Plan:

1. **Does not reflect the need for a comprehensive deinstitutionalization reform for all children and adults both with disabilities and older persons.** Instead, the Draft Plan supports construction of buildings and the improvement of existing residential facilities rather than development of sustainable support services. The costs of maintaining institutional facilities are high. New residential facilities, including small group homes, will perpetuate segregation and will be harmful to individuals with disabilities, children, and their families. The social exclusion of persons with disabilities hinders future economic and social stability and the development of human potential. Furthermore, Ukraine continues to lack a comprehensive deinstitutionalization plan inclusive of all persons with disabilities, adults and children, including persons with intellectual and psychosocial disabilities, inhibiting progress in line with its obligations under the CRPD.
2. **Authorizes building new group homes for up to 7 children. These group homes are misleadingly referred to as “large foster families.”** Across Europe, “deinstitutionalization” reforms have consisted of the transfer of residents of large institutions to small group homes, which according to the Guidelines on Deinstitutionalization, including in emergencies, should be considered institutions. Placing such large numbers of unrelated children in groups should not be considered a form of “family-based” care at all. Such placement will result in a lack of opportunity for individualized support. This is particularly dangerous for children with disabilities and complex support needs who require individually tailored supports. It is also not an appropriate placement for children with behavioral issues in need of therapeutic foster care.
3. **The drafting process was not transparent and consultations with civil society were formal without allowing for meaningful participation.** Organizations of persons with disabilities and child rights groups were not given an opportunity to see the Draft Plan prior to being asked to provide “feedback” during the consultation process. Article 4(3) of the CRPD requires that governments “closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative

organizations”. To date, disability groups or children and their families have not been adequately supported or engaged to participate in planning and creating of recovery and reconstruction plans and programs.

The European Commission has a crucially important role in ensuring the Ukraine Facility and the Plan for its implementation is designed and conducted in a way that promotes, protects, and enhances the inclusion of persons with disabilities in accordance with Ukraine’s international human rights obligations. The European Commission’s 2023 report on Ukraine’s accession expresses concern over high levels of institutionalization, particularly among people with intellectual and psychosocial disabilities and among children, and the need to prioritize deinstitutionalization reforms. The Ukrainian Facility should also align with these recommendations and develop them further.

We call on the European Union to use its influence with the Government of Ukraine to raise the following issues as a matter of urgency:

1. **Include the Deinstitutionalization (DI) reform, for both children and adults, within the Ukraine Facility framework and further into the candidacy negotiations and implementation of macroeconomic reforms.** This fundamental, comprehensive, and multi-dimensional reform should be incorporated at the initial planning stage along with other reforms required by the European Commission for Ukraine's European integration. A comprehensive national deinstitutionalization strategy and action plan should be adopted, in compliance with Article 19 of the CRPD, on the right to live independently and being included in the community, General Comment No. 5 of the Committee on the Rights of Persons with Disabilities, and the Committee’s Guidelines on Deinstitutionalization, including in Emergencies.
2. **Allocate funding for the implementation of the DI reform and the development of related services in the Ukraine Facility, as it is economically advantageous and strategically optimized.** Spending must cover the development of the full range of necessary services, not be limited to reconstruction. For children, the Plan must support transformation of Ukraine’s inadequate child protection and care system and should ensure support for children in families.
3. **Persons with disabilities and their representative organizations must be meaningfully involved in the preparation, implementation, and monitoring of the Ukraine Plan.** Participation by organizations representing people with disabilities are essential to ensure that laws, policies, and programs are accessible and appropriate.

Signatories:

Disability Rights International (DRI)
Disability Rights International – Ukraine (DRI-Ukraine)
European Network for Independent Living (ENIL)
Fight for Right
Validity Foundation