This brief focuses on disability rights in selected countries in the Eastern European region. It first provides a brief background on common challenges faced by the wider Eastern Europe and Western Balkan region, followed by a specific Eastern Europe section covering Belarus, Georgia, Moldova, Russia and Ukraine.

Common challenges
People with disabilities in the Western Balkans and Eastern Europe experience many common challenges. With the exception of Turkey, the countries share a legacy of Soviet-influenced social policies, including deeply entrenched medical and rehabilitative approaches to disability, with an emphasis on segregated, state-run institutionalised care. In order to access state services, persons with disabilities typically had to be assessed by commissions of medical and pedagogical “experts” and given a disability status, which generally specified a type and “degree” of disability. Many persons with disabilities lost their legal autonomy and became dependent on family members, who could make decisions and draw benefits on their behalf. Parents of children with disabilities were encouraged to give them up as orphans of the state. Extensive bureaucratic systems were established over decades to administer disability assessments and placements in orphanages, residential homes and other institutions. These systems were vulnerable to corruption and reinforced the exclusion and exploitation of persons with disabilities.

Since the dissolution of the Eastern bloc, many persons with disabilities, including children, remain in institutions throughout the region. Rehabilitative and educational services in these institutions are reported to be poor or non-existent. According to the Mental Disability Advocacy Centre in Budapest, around 1 million adults with disabilities in the region continue to face significant and systematic violations of their human rights in residential facilities. There is considerable political pressure and legal obligations on country governments in the region to move away from institutionalising persons with disabilities towards more inclusive, rights-based approaches to disability. However, most countries in the region have struggled to establish alternative systems of care, especially in the light of economic and political instability, exacerbated in many cases by declining public health systems, conflict and civil unrest, as well as environmental hazards. Across the region, persons with disabilities continue to be isolated, marginalised, discriminated against and in many cases, exploited and abused. Discrimination has been embedded in many countries’ legislative frameworks, health care and pension systems, education systems and employment sectors. People with disabilities face restriction of movement, have fewer opportunities to participate in social events or lead full, productive, independent lives (USAID Report 2009).

According to the Centre for Social Orientation in Belgrade (Butigan et al 2012), the main trends characterising disability-related reform in the region include:

- Emerging partnerships between state governments and civil society organisations, with service provision shifting increasingly to the latter;
- De-institutionalisation and the establishment of community-based and home-based services;
- International assistance, ranging from support on policy reform and capacity-building of organisations working in the disability terrain to direct financing of service delivery to persons with disabilities.
The situation of persons with disabilities in the Eastern European countries

There are no reliable, up-to-date statistics on disability across the Eastern European region. Existing data are based on projections, for example using the WHO/World Bank average prevalence rates, or drawn from sample surveys, country census information or government records of social benefits. According to the World Report on Disability, the regional prevalence rate for disabilities in the low- and middle-income countries of Europe is estimated at 16.4% (WHO/World Bank 2011). At the time of the study, all five of the Eastern European countries covered by this brief fell within this regional income grouping. The variance in prevalence rates in various studies depends on the different definitions of disability used. The Convention of the Rights of Persons with Disabilities (CRPD) uses a broad definition of disability: “Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”. Many countries still have narrower, medical definitions in their laws as these have not yet been adapted to the CRPD. These narrow definitions often refer to specific bodily limitations (such as “loss of function in more than two limbs” or “less than 10% of normal vision despite wearing glasses”).

The following table presents the most recent disability statistics for the Eastern European countries. It shows that these Eastern European countries may be home to as many as 34 million persons with disabilities, the majority living in the Russian Federation.

<table>
<thead>
<tr>
<th>Country</th>
<th>Most recent estimate of disability prevalence</th>
<th>Most recent total population estimate (in millions)</th>
<th>Estimated number of persons with disabilities (if WHO regional average of 16.4% is applied)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belarus</td>
<td>5.3%</td>
<td>9.46</td>
<td>1,551,440</td>
</tr>
<tr>
<td>Georgia</td>
<td>3.2%</td>
<td>4.94</td>
<td>810,160</td>
</tr>
<tr>
<td>Republic of Moldova</td>
<td>4.4%</td>
<td>3.49</td>
<td>572,360</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>9.2%</td>
<td>143.45</td>
<td>23,525,800</td>
</tr>
<tr>
<td>Ukraine</td>
<td>5.3%</td>
<td>45.46</td>
<td>7,455,440</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>33,915,200</td>
</tr>
</tbody>
</table>

Source: USAID 2009; WHO/World Bank 2011; and own calculations.

Some key features of the disability situation in the region are as follows:

- In Belarus, the government reported a population of 512,500 persons with disabilities in 2007, of which 28,300 were under the age of 18. In the same year, 8,451 children with disabilities were estimated to be in residential institutions (USAID 2009). People with disabilities remain marginalised and discrimination is widespread (Astapenia 2013). A significant portion has no opportunity to study or work. Only 14% of Belarusians with disabilities of working age have jobs. Only a third of Belarusians support the idea that their child could study in the same class as a child with disabilities (Ibid).

- In Georgia, government records show that 137,806 people received a disability pension in 2008, including 34,200 children and their families (USAID 2009). Over recent years, the government has undertaken an ambitious childcare reform process in Georgia. Most of its state-run institutions for children without disabilities have been closed and replaced with community services that enable vulnerable families to keep their children at home. However, children with disabilities have largely been excluded from this reform process and remain marginalised and, in many instances, face the prospect of life-long segregation from society (DRI 2013).
In Moldova, persons with disabilities face practical problems that prevent them from enjoying their rights. There is still limited access to social infrastructure, education and employment opportunities, and institutionalised care remains the dominant approach (Dilion 2014). Historical conflicts have contributed to the prevalence of physical and mental disabilities, including post-traumatic stress disorders. Little attention is directed to minority groups with disabilities, including the Roma, and those affected by conflict (USAID 2009).

In the Russian Federation, the medical model of disability remains dominant, with high reliance on institutionalised care. Nearly 30% of Russian children with disabilities live in state-run orphanages, as parents continue to be pressurised to give up their babies to state care. Once in the system, children with disabilities such as cerebral palsy, schizophrenia, Down’s Syndrome and the specific Russian “diagnoses” of “debility” and “idiocy” are barred from opportunities to learn — including learning how to walk (Human Rights Watch 2013).

In the Ukraine, the government recognised around 2.7 million persons with disabilities in 2013. Many parents are still encouraged to give up infants and children with disabilities as social orphans. Many spend their lives in institutions where basic conditions are lacking, education is non-existent, and neglect and abuse are common (USAID 2009). Persons with disabilities also lack access to public spaces, services and opportunities to participate in society, due to physical barriers and stigma (International Relief & Development 2012).

Four of the five Eastern European countries – namely Georgia, Moldova, Russia and the Ukraine - have signed and ratified or acceded to the United Nations Convention on the Rights of Persons with Disabilities (CRPD). Belarus is the only country in Europe that has not yet signed or ratified the convention, and reports indicate that it plans to do so soon. The CRPD is the first international, legally binding treaty aimed at protecting the human rights of persons with disabilities. The full text of the convention is available at www.un.org/disabilities/convention/conventionfull.shtml.

Only Georgia and the Ukraine have signed the Optional Protocol to the CRPD, and only Ukraine has ratified it. The Optional Protocol allows persons with disabilities whose rights have been violated to bring complaints to the Committee on the Rights of People with Disabilities.

Three of the Eastern European countries - Belarus, Moldova and the Ukraine - have signed and ratified or acceded to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (also known as the Ottawa Mine Ban Treaty). This convention, which is an important instrument for reducing the incidence of disabilities, places an obligation on the governments in question to clear all known areas contaminated by anti-personnel mines within 10 years.

Only the Republic of Moldova has signed and ratified the Convention on Cluster Munitions, thereby agreeing to destroy all stockpiles of cluster munitions, clear all areas contaminated with cluster munitions remnants within 10 years, and provide assistance to and fulfil the rights of victims of cluster munitions.

All five of the Eastern European countries are state parties to the UN Convention on the Rights of the Child (CRC) and to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Both of these conventions make reference to protecting the rights of persons with disabilities to fair treatment, appropriate care and full participation in society.
At the regional level, the following points are important to note with reference to disability rights:

- None of the Eastern European countries included in this brief are members of the European Union, nor are they current candidates for membership. As such, these countries are not bound by regional instruments such as the Charter of Fundamental Rights of the European Union, or the European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe. However, indications exist that Moldova, Ukraine and Georgia would like to make progress towards possible EU candidacy (by signing Association Agreements), and therefore are likely to want to show that their own policy efforts are in line with these EU instruments. The European Disability Strategy sets targets, for example, for member states to develop inclusive education policies, and to prioritise persons with disabilities in anti-poverty strategies.

- Moldova, the Russian Federation, Georgia and the Ukraine are members of the Council of Europe, which promotes cooperation amongst European countries in the areas of legal standards, human rights, democratic development and the rule of law. Unlike the EU, the Council cannot make binding laws. However, it does oversee compliance with the European Convention on Human Rights and the European Social Charter, the latter of which specifically recognises the right of persons with disabilities to social integration and participation in community life. The Social Charter has been signed and ratified by all four countries.

- The Council of Europe has an Action Plan to promote the rights and full participation of people with disabilities in Europe, 2006-2015. The primary goal of the plan is to help member states reinforce anti-discriminatory and human rights measures. It provides a framework for state governments to develop rights-based disability legislation, policy and practices, while allowing for country-specific conditions. According to the Council, the plan should be seen as a regional political instrument and operational implementation tool to help states implement the CRPD.

- Belarus, Moldova and Russia are members of the Commonwealth of Independent Nations (CIS), while Georgia withdrew in 2008 and the Ukraine is in the process of withdrawing. The member states are party to the CIS’ Convention on Human Rights and Fundamental Freedoms, which in Article 18, recognises the right of “persons who are physically or mentally unfit to work” to occupational rehabilitation, vocational training and social reintegration. It places an obligation on member states to establish appropriate rehabilitative facilities and to set measures in place to encourage employers to hire persons with disabilities. It also recognises the right of persons with disabilities to education and training.

In terms of national laws and policies that impact most directly on the rights of persons with disabilities, the Eastern European countries have the following overall commitments in place:

- In Belarus, the Law on Social Protection of Disabled Persons of 1991 stipulates that state policy in the field of social protection must be aimed at ensuring the rightful participation of disabled persons in society and is to be carried out with respect for human rights and without discrimination on the basis of
disability. The Law On Disability Prevention and Rehabilitation of Disabled Persons was adopted in 2008. While it rests on a medical model of disability, the law recognises the rights of persons with disabilities to respectful treatment, education opportunities and inclusion in social life, amongst other things. Belarus has also introduced tax incentives for businesses to employ persons with disabilities. According to reports, a new state program is being developed for 2016 – 2020 to advance the social integration of persons with disabilities.

• In Georgia, the Law on Social Security of Persons with Disabilities of 2001 places an obligation on the state to ensure the engagement of persons with disabilities in social, economic and cultural life. In 2009, the government approved an Action Plan on Social Integration of People with Disabilities 2010 - 2012, which aimed to improve the legal framework for disability rights. The same year, parliament created the State Coordinating Council, under the leadership of the Prime Minister, to oversee the implementation of the plan. By presidential decree, 2013 was declared the Year of Protecting the Rights of Persons with Disabilities in Georgia. The Law of Georgia on the Elimination of all Forms of Discrimination, passed in 2014, specifically outlaws unfair discrimination against persons with disabilities and makes provision for those whose rights have been violated to take recourse.

• In the Republic of Moldova, the Constitution makes specific reference to the right of persons with disabilities to social protection and assistance. The state recognises the right of all people to an adequate standard of living, including food, clothes, shelter, medical care and social services. In 2013, Moldova adopted the Law on Social Inclusion of Persons with Disabilities, which corresponds with the approach of the CRPD. The country has started the process of adjusting its entire legal framework to the principles set forth in the Convention and the new disability law (Dilion 2014).

• In the Russian Federation, article 39 of the Constitution recognises the right of persons with disabilities to social security. The Federal Law on the Social Protection of Disabled People of 1995, while reinforcing a medical model of disability, sets out the mandates of federal and state authorities to provide rehabilitation services. It also to some extent protects the rights of persons with (narrowly defined) disabilities to education, access to information, social infrastructure, housing and employment. Since ratifying the CRPD in 2012, the Russian Federation is under an obligation to reform its domestic legislation in line with the convention.

• In Ukraine, the Constitution guarantees the right of all persons, including those with disabilities, to education, healthcare, employment, recreation and the enjoyment of civil and political rights. The state has achieved significant progress in harmonising national legislation with CRPD principles and the legal reform process has involved the participation of Disabled People’s Organisations (DPOs). However, DPOs have noted that the predominant policy framework is still based on a medical/welfare approach (referring to “invalids” for example) as opposed to a human rights based approach, which would encompass full inclusion on society (UCOPD 2012). There are also significant policy gaps, for example legislation to govern inclusive education for children with disabilities.

Implementing agencies
Various institutional arrangements are in place to implement the disability policies of the Eastern European countries. There is a need across the region to de-institutionalise the provision of services to persons with disabilities and to replace the commissions that were responsible for assessing disability status and severity with more inclusive, cross-sectorial structures.

• In Belarus, the main actors in providing services to persons with disabilities are the Ministry of Labour and Social Protection (MoLSP) and the Ministry of Health. The MoLSP is responsible for coordinating disability pension benefits and rehabilitation services and facilities. The website of the MoLSP states that the ministry also provides administrative,
technical and information support to the National Interagency Council on Disability Affairs. However, it is unclear what the mandate and activities of this council are.

- In **Georgia**, overall responsibility for the implementation of disability policies has recently been vested in a newly formed State Coordinating Council, under the leadership of the Prime Minister, which is made up of representatives from seven line ministries, as well as seven DPOs and organisations working in the disability field. It is anticipated that the council will redefine institutional arrangements for advancing the rights of persons with disabilities in Georgia.

- In the **Republic of Moldova**, the Ministry of Labour, Social Protection and Family, as well as the Ministry of Health have been responsible for most disability-related services. However, the new disability law of 2013 makes provision for a National Council for the Rights of Persons with Disabilities, which is meant to take on overall responsibility for the promotion of state policies in the field of disability and to monitor implementation of the CRPD. The Council is to be made up representatives of central and local public authorities, DPOs and NGOs working in the disability terrain.

- In the **Russian Federation**, to officially acquire the legal status of being a “disabled person”, a medical and social expert evaluation has to be undertaken, which is coordinated by the Ministry of Health. After being granted this status, people with disabilities are eligible for legal and medical benefits, including financial support and pensions, which are administered by the Ministry of Labour and Social protection, through its Department on Affairs for the Disabled. The Ministry of Education and Science is responsible for the delivery of education to children and youth with disabilities. Since 2008, efforts have been underway to increase the enrolment of children with disabilities in mainstream schools.

- In **Ukraine**, the assessments of individual persons with disabilities’ needs for rehabilitation are made by medical professionals of Medical Social Expert Commission, functioning under the Ministry of Health. The Ministry of Social Policy is responsible for social security and coordinating rehabilitation services for persons with disabilities, including the administration of most institutional care facilities and orphanages. The social protection system is currently undergoing reform. Several NGOs also provide rehabilitation and care services to persons with disabilities.

**Accountability measures**

The attainment of the rights of persons with disabilities remains a concern in the Eastern European region. At international level, country governments are required to submit an initial report to the Committee on the CRPD two years after ratifying the convention, and every four years subsequently. Thus far, only the Republic of Moldova and the Ukraine have submitted their initial reports to the Committee on the CRPD and the committee has no enforcement powers in relation to countries that fail to submit their reports. To track the continued work of the Committee and access its observations in Eastern Europe, visit [http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx](http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx).

At the regional level, monitoring and oversight of the Council of Europe’s **Disability Action Plan** falls under the mandate of the European Coordination Forum (CAHPAH), assisted by a Bureau. The Forum is a multidisciplinary committee of disability experts from all 47 member states, the observer states, various Council of Europe bodies and committees, and several international organisations, both governmental and non-governmental. While the plan encourages member states to develop disability frameworks in line with the CRPD, it leaves a great deal of scope for countries to customise their approaches and to progressively realise the rights contained in the convention. The plan is also closely linked to the European Convention on Human Rights, which has a robust monitoring mechanism through the powers of the European Court of Human Rights (Flynn 2011).
At the national level, four of the Eastern European countries covered by this brief – namely Georgia, Moldova, the Russian Federation and the Ukraine - have national human rights institutions, which should be expected to advance and promote the rights of persons with disabilities in their respective countries. The Public Defender of Georgia, which serves as its national human rights institution, has conducted special reports on aspects of disability rights and has been relatively active in monitoring progress on the implementation of disability policies in that country.

Main civil society actors
DPOs that can be identified in the Eastern European countries include:

- The **Belarusian Association of Assistance for Children and Young People with Disabilities** brings together approximately 4,000 families in Belarus bringing up children and young people with intellectual and physical disabilities. The goal of the association is to create equal opportunities for children and youth with disabilities to participate in every field of social life.

- The **National Assembly of Persons with Disabilities** of Ukraine (NAPD) is an umbrella body uniting some 100 public organisations, including youth with disabilities, women with disabilities, parents fostering children with disabilities, athletes with disabilities, disabled people of Chernobyl, war veterans, people with diabetes, with intellectual disabilities, mental disorders, people with disorders of the musculoskeletal system, with impaired vision and hearing (representing about 2 million people in total). The NAPD has been active for 10 years and helps to monitor the implementation of the CRPD in the Ukraine, including the submission of shadow reports.

- The **Coalition for Independent Living (CIL)** in Georgia is a cross-disability organisation established in 2003 and uniting 23 DPOs in the country. Its mission is to support equal opportunities for persons with disabilities to participate fully in the political, economic, social and cultural life of Georgia. It undertakes advocacy, public education and training on disability rights, and monitors the implementation of the CRPD in Georgia.

Several international organisations make important contributions to the disability movement in the Eastern European region, including Handicap International, Save the Children, Disabled People’s International, World Vision, Inclusion International, Caritas, Mental Disability Advocacy Centre, Open Society Foundation, USAID, UNICEF and WHO. Other organisations playing a key role in awareness-raising, advocacy and service provision include (but are not limited to):

- **The Office for the Rights of Persons with Disabilities** in Belarus is a team of professionals working together to protect the rights of persons with disabilities. It aims to transform Belarusian society to one that is free from barriers and prejudice against persons with disabilities. The organisation advocates for the rights of persons with disabilities and promotes understanding of disability as a human rights issue.

- **The Association MOTIVATIE** (Motivation) in Moldova is an independent NGO that monitors the implementation of the CRPD in the country. The mission of the organisation is to improve the quality of life of persons with physical disabilities through the creation of alternative services, involvement of beneficiaries in these services and the promotion of their rights.

- **Perspektiva** is a Russian advocacy organisation that aims to promote independence and an improved quality of life for persons with disabilities. It is committed to building the capacity of grassroots DPOs to advocate for equal rights and also assists persons with disabilities and their families to acquire new skills and knowledge, amongst other activities.

- **The Disability Monitor Initiative (DMI) for South East Europe** is an advocacy initiative that gathers and disseminates information on disability to support the move towards full participation and equal opportunities of people with disabilities. The DMI is primarily based on field research consultations with persons with disabilities, service providers, members of civil
society, government officials and local authorities. The objectives are to build up knowledge on the situation of people with disabilities, examine best practices and inform policy reforms on the national and international levels.

- **Civil Rights Defenders** is an independent organisation founded in Sweden in 1982 which defends human rights and supports and empowers human rights defenders at risk in different countries around the world. Civil Rights Defenders supports disability rights advocates in Belarus, Moldova, Russia and the Ukraine.

**What Sweden can do: 9 questions to consider**

Within its mandate and strategy for Eastern Europe, Sweden has a range of opportunities to include persons with disabilities in a more deliberate manner. Questions to discuss:

- Could Sweden do more to include disability rights as an explicit part of its support to regional accountability mechanisms, efforts to establish independent human rights institutions and watchdog organisations? In support to human rights reporting processes? Monitoring tools can be downloaded [here](#).

- Could Sweden do more to ensure that support for reform efforts in Eastern European countries include reforms in the area of disability legislation and policy development in line with the CRPD and the European Social Charter, as well as the deinstitutionalisation of persons (and especially children) with disabilities?

- Could Sweden do more to include DPOs in programmes that seek to strengthen civil society organisations and networks to influence policies and monitor the implementation of legal and policy commitments?

- Could Sweden do more to support efforts to strengthen the capacity of government authorities in the Eastern Europe region to translate their commitments towards the rights of persons with disabilities into effective programmes? Inclusion Made Easy - a quick programme guide to disability in development [here](#).

- Could Sweden do more to ensure that women with disabilities are included in programmes aiming to advance women's rights and gender equality? In programmes aiming to combat gender based violence?

- Could Sweden do more to promote inclusion of persons with disabilities in programmes that seek to strengthen freedom of expression, access to information, human rights monitoring and elections monitoring?

- Could Sweden do more to bring a disability perspective into joint donor planning meetings with bilateral and multilateral agencies, taking into consideration that article 32 of the CRPD requires donors to do so and that other Nordic donors also have an interest in this? What support and additional information would the embassy need to take such initiative?

- Could Sweden do more to include and enable persons with disabilities and their organisations to participate in human rights networks and social and cultural events?

References


The human rights of persons with disabilities are a Swedish government priority. As a service to staff, briefs have been prepared to provide basic information about the situation of this (often forgotten) group and inspire discussions on what Sweden could do to better include disability rights in diplomacy and programming.