

**Mandates of the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on discrimination against women and girls**

Ref.: AL UKR 2/2022  
(Please use this reference in your reply)

29 July 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights of persons with disabilities; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on violence against women, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 44/10, 42/16, 41/15, 43/22, 44/4, 41/17 and 50/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the situation of children living in institutions, including children with disabilities, in Ukraine, and particularly in the context of the current and ongoing humanitarian emergency following the invasion of Ukraine by the Russian Federation in February 2022.

We welcome Your Excellency's response to our previous communication on the matter of the rights of persons with disabilities to live independently and be included in the community through deinstitutionalization ([UKR 5/2021](#)), received on 11 November 2021<sup>1</sup> and the openness of Your Excellency's Government to engage in a constructive dialogue with our mandates on the same.

We understand the gravity of the current situation in Ukraine, which is existential in nature and which throws all issues into sharp perspective, including the issues we focus on in the present letter. We stand ready to provide our advice, solidarity and support to Ukraine on this matter. Nevertheless, we are of the view that current circumstances should not obscure the need to deal with historic issues and to commit to rectify them into the future when peace is eventually restored.

We acknowledge and deeply appreciate Ukraine's historic efforts in the recent past towards the deinstitutionalization of persons with disabilities including children with disabilities. We hope and expect that they can resume and intensify as soon as possible when the conflict is over.

In this context, we wish to emphasize that unequal treatment in the form of segregation - and especially in its most extreme form of institutions for persons with

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<sup>1</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36644>

disabilities - is a *per se* form of discrimination prohibited under international human rights law and particularly under article 5 of the Convention on the Rights of Persons with Disabilities (CRPD). Article 19 of the CRPD paints a very positive picture of persons with disabilities thriving in their own home, with personalized services and accessible public services. Both these provisions point to the need to end segregation in the form of institutions and to create the enabling conditions for persons with disabilities to flourish in their own community.

We have three main sets of concerns.

Firstly, we are concerned about information received concerning the situation of children with disabilities in institutions in Ukraine who are being deinstitutionalized in a haphazard fashion owing to the conflict, exposing them to a heightened risk of marginalization, forced labour, violence and abuse, including sexual abuse as well as trafficking and exploitation, including sexual exploitation.

Secondly, we are concerned about information received concerning the situation of children with disabilities in institutions (in theatres of conflict) who are being moved to other institutions (in more peaceful parts of the national territory) without reportedly receiving the necessary information, including in relation to informed consent, support or provision to meet and protect their basic rights and needs.

Thirdly, we are also concerned at information received concerning allegations that Your Excellency's Government has concluded or may be proposing agreements (formal or otherwise) with other countries who receive displaced persons with disabilities (especially children) escaping the conflict. We remain exceptionally thankful to these countries for their generosity and hospitality, but we are given to understand that Your Excellency's Government requires them to place these children only, or predominantly, in institutions. This appears to be the case even if the welcoming country has already achieved deinstitutionalization for their own citizens and/or can otherwise provide community living arrangements for these children.

We acknowledge that the decisions made by Your Excellency's Government not to separate children who had been living in the same institution has been guided by your understanding of the best interests of the child. Nevertheless, we need to be assured that this posture (institutionalization) is not the future you plan for these children once they return to their homeland, as they eventually will, and that members of the same family who wish to remain together are not separated.

The CRPD does not, on its face, create the possibility for derogations during national emergencies – such as the one posed by the invasion of Ukraine. Indeed, article 11 of the CRPD points to the need to abide by international law during times of heightened risk which specifically includes 'armed conflict.' It is true that article 61 of the Vienna Convention on the Law of Treaties allows for the temporary suspension of treaty obligations due to the objective impossibility of performance which may arise through conflict. However, in our view, such temporary suspension – if it validly occurs – does not justify a mid-to-longer term perspective which does not clearly envisage and plan for the transition away from institutional settings. While article 4 of the International Covenant on Civil and Political Rights (ICCPR) does allow for a derogation of obligations under that treaty, it specifically precludes discrimination on the basis of 'social origin.' Likewise, the International Covenant on Economic, Social

and Cultural Rights (ICESCR, article 4) only allows for limitations on economic, social and cultural rights that are prescribed by law, are compatible with the nature of the rights protected, and ‘solely for the purpose of promoting the general welfare in a democratic society’.

According to the information received:

At the beginning of 2022, a total of 715 institutions for children were active in Ukraine, including “boarding schools, orphanages, centres for social and psychological rehabilitation of children, shelters for children, special schools” and others). Such institutions housed 47,000 children “around the clock”,<sup>2</sup> including 7,926 children with disabilities and 6,224 orphans and children without parental care.<sup>3</sup>

Since the beginning of the invasion of Ukraine by the Russian Federation, and as of 23 March 2022, more than 30,500 children have been returned from institutions with “around the clock care” to their parents or other legal representatives. This included the evacuation and displacement of more than 5,400 children from institutions, including orphans, children deprived of parental care, children with disabilities, and children in difficult life circumstances<sup>4</sup>.

Of these, it was reported that almost 2,500 children remained in Ukraine, and around 3,000 children were welcomed by other countries, notably by European Union Member States, especially Poland (hosting 83% of them), but also to a lesser extent Germany, Italy, Romania, Austria, the Czech Republic and Lithuania, among others. It was further reported that, on 22 March 2022, 33 children from two institutions (centres for social and psychological rehabilitation of children) in the Chernihiv region were evacuated to safety to other regions of Ukraine.<sup>5</sup> There is no information as to whether a prior due diligence assessment was carried out to avoid children being placed in institutions that had a history of wrongdoings or patterns of abusive practice.

On 24 March 2022, the Children’s Ombudsman of Ukraine reported that 12 institutions operated in relatively safe conditions in 6 regions (oblasts) of Ukraine, with at least 585 children (two in Zaporizhzhya, two in Odesa, three in Kherson, two in Kharkiv, two in Sumy, and one in Chernihiv). These are, in particular: seven centres for social and psychological rehabilitation of children managed by the Ministry of Social Policy, which house 310 children, four orphanages of the Ministry of Health, which hosts 326 children, as well as one institution managed by the Ministry of Education and Science.<sup>6</sup>

It was reported that, although the majority of institutionalized children have parents or relatives who have not lost their legal guardianship, since the

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<sup>2</sup> In absence of a definition of “around-the-clock care”, it is assumed that such institutions are residential and as such, constitute their places of habitual residence.

<sup>3</sup> Ukraine Children’s Ombudsman, “Результати моніторингу додержання права дітей на охорону життя та здоров’я, які перебувають у закладах інституційного догляду та виховання” (Results of monitoring the observance of children’s right to life and health care in institutions of institutional care and education), published on 24 March 2022 on [https://ombudsman.gov.ua/news\\_details/rezultati-monitoringu-doderzhannya-prava-ditej-na-ohoronu-zhittya-ta-zdorovya-yaki-perebuvaly-u-zakladah-institucijnogo-doglyadu-ta-vihovannya](https://ombudsman.gov.ua/news_details/rezultati-monitoringu-doderzhannya-prava-ditej-na-ohoronu-zhittya-ta-zdorovya-yaki-perebuvaly-u-zakladah-institucijnogo-doglyadu-ta-vihovannya)

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

beginning of the conflict a number of children with disabilities have been moved to other institutions both within the country as well as in neighbouring or other countries, instead of being safely reunited with their families.

There is also information about cases whereby children have been released from institutions, including children with disabilities, without arranging for their safe placement elsewhere, leaving them displaced without provision for durable solutions. In this regard, it is alleged that many of these children had been living in segregated institutions for so many years that they have completely lost contact with their families.

It is reported that, due to the urgency of the situation, the deinstitutionalization happened before contacts with families and safety concerns could be duly addressed and to ensure that the procedures for return to family care were in line with standards of child protection and due process. This may have led to a great number of children currently displaced in street situations or in other such situations of great danger and risk, including becoming victims of trafficking and illegal adoptions, exploitation, violence, including sexual violence and rape, and abuse as well as recruitment into armed groups. It also includes the possibility of such children living in unstable or unsafe environments, or in unregulated and unaccounted for institutional situations.

With respect to the moving of children with disabilities from institutions to other institutions within Ukraine, it was reported that such evacuations were carried out without ensuring that the children (as well as their families or living relatives) were duly informed. It was also reported that the receiving institutions within Ukraine were not provided with the necessary resources or capacity to appropriately care for the children, and that those children were “dropped” at the receiving institutions without the necessary documentation about their family situations, and information about their care needs and requirements.

This led to leaving the children in displacement without ensuring they would receive appropriate medical attention and health supplies, leaving them in some instances with untreated physical and mental health conditions that cause constant pain and suffering. Some children with disabilities were displaced without being informed where they would be taken, while other children were further isolated from their family and community ties as they were not able to bring personal possessions, including mobile phones, with them.

As a consequence, it is alleged that many children with disabilities who are still segregated in institutions are currently displaced in situations that are detrimental to their health and well-being, and in conditions that may amount to violence, abuse, ill-treatment and neglect.

For example, in order to provide for more space to receive greater numbers of children with disabilities, it is reported that institutions have been packing rooms with beds, with very little or no space to stand or even move around. In these institutions, children with disabilities, and in particular children with psychosocial disabilities and children with disabilities who also have physical and mental health conditions, are confined to their beds for the entire day and night, with no access to appropriate services, including health care,

development and education.

In addition, the personnel available to provide care to them are reportedly overwhelmed and not appropriately informed or trained about the needs and rights of the children who they care for, in some instances because documentation and medical records of those children were not made available during or after the transfer. Situations of stunting, violence and self-harm are also reportedly widespread in these facilities, due to the lack of appropriate stimulation and mental health support that is key for the development of a child. In one case, an institution reportedly had no doctor available on site, as the only one that was available had departed the premises to join the fighting.

It was also reported that, as part of the admirable humanitarian relief efforts being undertaken to support Ukraine in the current crisis by countries all over the world, States that are welcoming persons fleeing the conflict are signing agreements to maintain the segregation of children with disabilities in institutions. It was alleged, in particular, that requests are being made by Your Excellency's Government to ensure that children with disabilities who are evacuated to other countries are placed in institutions. Reportedly the rationale for these agreements is the presumption that when the conflict is over those children will only be returned to institutions in Your Excellency's territory.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our deep concern at the situation of children with disabilities living in institutions and at the alleged *en-masse* displacement of children out of or between institutions, without taking appropriate consideration of their basic human rights and needs, including their right to physical and mental health.

We deeply appreciate the existential crisis faced by Ukraine in the context of this conflict. We are concerned at the current living conditions of children with disabilities in institutions in Ukraine - and placed in institutions in third countries. We look forward to the assurance that the exigencies of the current situation do not cloud the evident need to move toward and accelerate a well-planned, rights-based deinstitutionalization programme for these children once conditions have settled.

We are also deeply concerned at the reports received according to which Your Excellency's Government is establishing agreements with neighbouring countries and other countries who are currently welcoming Ukrainians fleeing the conflict, which continue to maintain institutionalization, which is not fully in line with international human rights and child protection standards.

We are also concerned that the haphazard release of children from institutions may have resulted in a large number of them effectively living in situations of homelessness and displacement

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be

grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide more information about national deinstitutionalization strategies adopted or envisaged by Your Excellency's Government to ensure that children with disabilities living in institutions in Ukraine can enjoy their right to live in family settings in the community.
3. Please provide detailed information about the living conditions of children with disabilities, including conditions related to their physical and mental health condition, who remain in institutions, including those who have been moved from one institution to another within Ukraine, since the beginning of the conflict.
4. Please provide more information on the process adopted to enable children with disabilities living in institutions in war-affected areas to move to non-institutional settings in the rest of the country. What plans are envisaged to enable them to move to community settings?
5. Please provide information as to any measures taken or envisaged to ensure that any agreement, or memorandum of understanding, being undertaken with and between third countries in relation to the reception of children with disabilities does not perpetuate the institutionalisation of children with disabilities.
6. Please provide information on how you intend to harness development assistance funds (from multilateral or bilateral sources) to underpin an inclusive process of recovery with a non-institutional future for children with disabilities.
7. Please provide any information on the type of programmes in place to support potential children victim of violence, including sexual violence and rape, though adequate sexual and reproductive health services, among others.
8. Please provide information about how data about the situation of children with disabilities in institutions is being currently collected, and provide updated figures disaggregated by gender, sex, age, disability, and so on.
9. Please provide information on efforts to restore linkages between displaced children and their families and how the new Commissioner for Internally Displaced Persons can include displaced children and their families in policy and programme implementation.
10. Please provide information on efforts to ensure access to education and basic services for displaced children and to provide appropriate medical care and attention for displaced children with disabilities and/or physical and mental health conditions.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

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Tlaleng Mofokeng  
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

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Mama Fatima Singhateh  
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Siobhán Mullally  
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Reem Alsalem  
Special Rapporteur on violence against women, its causes and consequences

Melissa Upreti  
Chair-Rapporteur of the Working Group on discrimination against women and girls

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to the attention of your Excellency's Government the international human rights standards that are applicable in this case. They are enshrined, inter alia, in: the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) acceded to by Ukraine on 12 November 1970; the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol, ratified by Ukraine on 4 February 2010; the Convention on the Rights of the Child (CRC), ratified by Ukraine on 28 August 1991; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Ukraine on 24 February 1987, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Ukraine on 12 Mar 1981.

We wish to bring to the attention of your Excellency's Government that the institutionalization of persons with disabilities falls within the definition of discrimination, as provided in Article 5 of the CRPD, and the consequent immediate obligation of States to repeal all laws and regulatory frameworks that allow for or condone institutionalization for persons with disabilities who have the right to live in the community.

Article 19 of the CRPD sets out the right of persons with disabilities to live independently and be included in the community and to choose where and with whom they live. It stipulates that States must ensure that persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community and community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

The provisions of article 19 can be interpreted to prohibit institutionalization and challenge social protection policies that segregate persons with disabilities in social care or medical settings. In its General comment No. 5 (2017) on living independently and being included in the community, the Committee on the Rights of Persons with Disabilities (CRPD Committee) stressed that, in order to respect the rights of persons with disabilities under article 19 of the CRPD, States need to phase out institutionalization.<sup>7</sup> We wish to highlight that article 19 should be read in conjunction with article 28 of the CRPD on adequate standard of living and social protection, which sets out the obligation of States to develop alternatives to institutional care for persons with disabilities and to further their deinstitutionalization, including by ensuring access to public housing programmes.

The use of physical restraint, as well as of isolation of children in institutions is contrary to international human rights obligations on the prohibition of, and freedom from, torture and inhuman or degrading treatment or punishment, violence and abuse, as provided, inter alia, in articles 15 and 16 of the CRPD and in articles 2 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading

<sup>7</sup> See CRPD/C/GC/5, para. 49.



Treatment or Punishment (CAT). The lack of disability related support, accessibility or reasonable accommodation places persons with disabilities in sub-standard conditions of institutionalization and/or detention that are incompatible with the prohibition of cruel, inhuman or degrading treatment or punishment, as stated under article 15(2) of the CRPD. We wish to recall that the CAT also provides for the protection against the non-refoulement of persons to situations where they may face torture and ill-treatment. This provision may be relevantly invoked in the instances in which, should institutionalized children with disabilities who are received by other countries and placed in families and communities, would be forced to return to institutions once the conflict is over.

Article 14 of the CRPD on liberty and security of person also prohibits unlawful and/or arbitrary detention on grounds of disability, including confinement to a residential or detention facility, involuntary deprivation of liberty or non-consensual medical treatment. Article 14.1(b) affirms that disability shall in no case justify a deprivation of liberty. The CRPD Committee has categorically stated that the implementation of article 14 requires respecting the right of persons with disabilities to choose their place of residence, as enshrined in article 19. The Committee has repeatedly expressed concern about the institutionalization of persons with disabilities and the lack of support services in the community and has recommended implementing support services and effective deinstitutionalization strategies in consultation with organizations of persons with disabilities.

In relation to the access to health care, we would like to remind your Excellency's Government of article 12, coupled with article 2.2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which enshrines the right of everyone, to the enjoyment of the highest attainable standard of physical and mental health. In this connection, we would like to also refer your Excellency's Government to General Comment No. 3 of the Committee on Economic, Social and Cultural Rights, which confirms that States parties have a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant, including essential primary health care (GC 3, para.10). We wish to also refer your Excellency's Government to General Comment No. 14 of the Committee on Economic, Social and Cultural Rights, which states that the obligations to *protect* include, *inter alia*, the duties of States to take measures to protect all vulnerable or marginalized groups of society (GC 14, para.35).

Additionally, article 17 of the CRPD provides that every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others. In addition, States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. (CRPD, art. 25). Furthermore, General Comment No. 5 of the Committee on Economic, Social and Cultural Rights indicates that States should ensure that persons with disabilities, particularly infants and children, are provided with the same level of medical care within the same system as other members of society" (GC 5, para.34).

We would like to also draw your attention to article 13 of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to an education that is "directed to the full development of the human personality and the sense of its dignity".

Article 11 of the CRPD on situations of risk and humanitarian emergencies provides the obligation of States to take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, crisis and emergency. In this context, protection of children with disabilities in institutions includes provisions not only to ensure that their basic human rights and needs are met, including the right to the highest attainable physical and mental health, the right to education, the right to live independently and in the community, and the right to be free from violence and abuse, as well as torture and other forms of inhuman and degrading treatment and punishment.

In its Guidelines on the right to liberty and security of persons with disabilities,<sup>8</sup> the CRPD Committee stressed that article 14 of the CRPD does not allow any exception whereby persons may be detained on the grounds of their actual or perceived impairment. Any legislation providing instances in which persons may be detained on the grounds of their actual or perceived impairment, provided there are no other legitimate grounds for their detention, including that they are deemed dangerous to themselves or others, are discriminatory in nature and amount to arbitrary deprivation of liberty.

Article 23 of the CRPD provides for the right to home and family, including ensuring that children with disabilities have equal rights with respect to family life and not to be separated from their parents against their will where such separation is not necessary for the best interests of the child. In its General Comment No. 5 on living independently and being included in the community, the CRPD Committee echoed the concerns of the Committee on the Rights of the Child (CRC Committee) regarding the high number of children with disabilities placed in institutions, and reiterated the call to support such children's ability to live in their family, extended family, or foster care (para. 12).

Article 7 of the CRPD states that children with disabilities enjoy all human rights and fundamental freedoms on an equal basis with other children, that the best interests of the child are a primary consideration in all actions concerning children with disabilities, and that children with disabilities are able to express their views on all matters affecting them and that such views are given due weight.

We wish to highlight the provisions of the Convention on the Rights of the Child (CRC), and in particular article 2, which calls for the protection of children from discrimination; article 3, which sets out the right of the child to have his or her best interests taken as a primary consideration in all actions concerning them; article 7, which states that, as far as possible, children have a right to be cared for by their parents; article 9, which states that children should not be separated from their parents against their will unless their duly determined best interests so require, decided by the competent authority and subject to judicial review; article 12, which states that children have the right to express their opinions in all matters that affect them, including judicial and administrative proceedings and that their opinions should be given due weight; article 18, which states that parents have the primary responsibility for the upbringing of the child. The Committee on the Rights of the Child pointed out<sup>9</sup> that the preamble and article 18.2 of the CRC make clear that all children should grow up in a family environment and that priority should be given to

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<sup>8</sup> See [A/72/55](#) (annex), para. 6

<sup>9</sup> See [https://bettercarenetwork.org/sites/default/files/2021-04/ConceptNoteDGD2021\\_EN.pdf](https://bettercarenetwork.org/sites/default/files/2021-04/ConceptNoteDGD2021_EN.pdf) and <https://www.ohchr.org/sites/default/files/2022-06/13Jun2022-DGD-Outcome-report-and-Recommendations.pdf>.

support the child’s parents and extended family to enable them to care adequately and to prevent unnecessary separation. Additionally, article 19 of the CRC is of relevance, which states that children must be protected from all forms of violence, abuse and neglect in all settings, including in the family and in alternative care; article 20, enshrines that children who are temporarily or permanently deprived of their family environment or in whose own best interests cannot be allowed to remain in that environment, come under the direct responsibility of the State which must provide them with special protection and assistance, including by ensuring that appropriate alternative care is provided; article 23, which outlines the rights of children with disabilities to live a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation; article 24 which state the right of all children to enjoy the highest attainable standard of health; article 25 which requires the periodic review of the treatment and circumstances of children who have been placed by the competent authorities for the purposes of care, protection or treatment of their health; article 28, which states that every child has a right to accessible education; article 35, which states that states must protect children from trafficking; article 37, which states that no child should be deprived of their liberty unlawfully or arbitrarily.

In its outcome report of the 2021 Day of General Discussion on “Children’s Rights and Alternative Care”, the Committee on the Rights of the Child recognized the need that strategies to ensure deinstitutionalization, including for children with disabilities, should be a worldwide priority, and recommended, *inter alia*, that States should redirect and increase budget allocations to provide adequate funding for preventive policies and services; should develop and implement time-bound and adequately budgeted national deinstitutionalization strategies, emphasizing the redirecting of resources from institutional care towards family-based and community-based care. Additionally, they recommended that States should ensure that national and international funding mechanisms, cooperation assistance and private funding are not used to support the institutionalization, abuse, exploitation of children or other infringements of children’s rights and should regulate non-profit and corporate sectors to prevent such violations, and develop robust monitoring systems for routine data collection on children in alternative care, including children with disabilities and care leavers, following strict ethical and privacy standards, and routinely publish and use such data to inform care reform processes and monitor placements.<sup>10</sup>

Article 6 of the CRPD recognizes that women and girls with disabilities are subject to multiple discrimination, and in this regard, measures should be taken to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms. In its joint statement, the CRPD Committee and the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee)<sup>11</sup> stated that gender equality and disability rights are mutually reinforcing concepts and States parties should guarantee the human rights of all women, including women with disabilities. States parties should fulfill their obligations under articles 5 and 8 of CEDAW and CRPD Conventions respectively by addressing the root causes of discrimination against women and persons with disabilities. This includes challenging discriminatory attitudes and fostering respect for the rights and dignity of persons with disabilities, in particular women with

<sup>10</sup> See <https://www.ohchr.org/sites/default/files/2022-06/13Jun2022-DGD-Outcome-report-and-Recommendations.pdf>, section 3. III. E.

<sup>11</sup> [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_STA\\_8744\\_E.docx](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_STA_8744_E.docx)

disabilities, as well as providing support to parents of children with disabilities in this regard. Health policies and abortion laws that perpetuate deep-rooted stereotypes and stigma undermine women's reproductive autonomy and choice, and they should be repealed because they are discriminatory. The Working Group on discrimination against women and girls in its report on discrimination against women with regard to health and safety (A/HRC/32/44) stated that women with disabilities face particular barriers in accessing health care for reasons of cost, distance, discriminatory attitudes, and lack of physical access or information. The experts recommended to ensure that health services, including reproductive and sexual health, for women with disabilities are available and accessible on an equal basis with others and that their autonomy and decision-making, including in relation to their sexuality and reproduction, are guaranteed in accordance with the principles of the Convention on the Rights of Persons with Disabilities. In its report on Women's and girls' sexual and reproductive health rights in crisis (A/HRC/47/38), the experts stated that women and girls with disabilities face a higher risk of abuse and violence as result of the breakdown of support systems to which they may previously have had access. Negative stereotypes linked to their sexual and reproductive health status can lead to the further marginalization of their needs and concerns.

The Special Rapporteur on trafficking in persons, especially women and children, has highlighted the particular risks of trafficking arising for persons with disabilities in the context of the conflict in Ukraine. Recalling Security Council Resolution 2475 (2019), all responses to risks of trafficking in persons, especially children, must be disability inclusive, and ensure the rights of children with disabilities, including in provision of information, access to safe and accessible accommodation, transportation and in all assistance and protection measure.

The Guiding Principles on Internal Displacement mandate that certain categories of internally displaced persons, including *inter alia* children, especially unaccompanied minors, and persons with disabilities, shall be entitled to the protection and assistance required by their condition and to treatment that takes into account their special needs (principle 4). Every human being has the right to protection from being arbitrarily displaced from their place of habitual residence (principle 6). Authorities should make every effort to avoid displacement, and where unavoidable, take measures to minimize displacement and its adverse effects (principle 7(1)). Authorities should ensure that those displaced are provided with proper accommodation, with satisfactory health conditions, and that members of the same family are not separated (principle 7 (2)). Displacement should not be carried out in a manner that violates the rights to life, dignity, liberty, and security of those affected (principle 8).

Family members who wish to remain together should be allowed to do so, and families separated by displacement should be reunited as quickly as possible, particularly when children are involved (principle 17). All internally displaced persons have the right to essential services, including medical services (principle 18) and all displaced persons with disabilities should receive the medical care and attention they require (principle 19). Internally displaced persons have the right to all documents necessary for enjoyment of their rights (principle 20), should not be arbitrarily deprived of their property and possessions (principle 21) and maintain their right to education (principle 23).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.