

14th session of the Open-ended Working Group on Ageing

Guiding questions for the focus area on “accessibility, infrastructure and habitat (transport, housing and access)”

National legal and policy framework

1. *What are the national legal provisions and policy frameworks that recognize older persons' rights to accessibility, infrastructure and habitat (transport, housing and access)?*

The Law of Ukraine "On the Basic Principles of Social Protection of Labor Veterans and Other Elderly Citizens in Ukraine" of December 16, 1993, No. 3721-XII recognizes the rights of older people to an accessible environment in all spheres of life.

Ukraine has developed and adopted state construction norms SCN B.2.2-40:2018 "Inclusiveness of Buildings and Structures", approved by the order of the Ministry of Regional Development of 30.11.2018 No. 327. The new SCN contain about 100 qualitative changes for the safety and comfort of people with limited mobility. According to the new standards, all buildings and structures in Ukraine, as well as the necessary infrastructure, must be designed with accessibility elements.

Article 50 of the Housing Code of Ukraine stipulates that elderly people, and, upon the conclusion of a medical institution, also the relevant categories of persons with disabilities and diseased persons, at their request, are provided with housing on the lower floors or in buildings with elevators.

The land legislation of Ukraine does not define any special approaches to ensuring the right of older persons to receive land plots.

With regard to inheritance, Article 1241 of the Civil Code of Ukraine stipulates that in case of inheritance by law, the mandatory share of the testator's minors, adult disabled children, disabled widow (widower) and disabled parents, regardless of the content of the will, is half of the share that would have been due to each of them.

Local policies are increasingly focused on the development of innovative social services to ensure that older people can live in the community, prevent premature and unwanted displacement of older people to residential care facilities; to ensure access to administrative services by receiving them at the place of residence (a positive case is the possibility of receiving on-site administrative services).¹

2. *What are the challenges and barriers faced by older persons for the realization of their right to accessibility, infrastructure use and habitat (transport, housing and access) at the national and international levels?*

The analysis of the appeals received by the Ombudsman from older people and the results of the monitoring confirm that older persons with disabilities and persons with limited mobility face barriers in everyday life due to inadequate accessibility to social, medical and transport infrastructure. The issues of architectural accessibility, reasonable accommodation, and universal design of public facilities still remain problematic. Not all vehicles are equipped to meet the needs of people with disabilities and limited mobility. At the same time, the practice of implementing local transportation programs for the elderly is becoming widespread.

Data and research

3. *What data, statistics and research are available at the national level regarding older persons' rights to accessibility, infrastructure and habitat (public transport, housing and access)?*

¹ <https://od.cmr.gov.ua/news/34709-vidteper-je-mozlivist-otrimannia-viyiznix-administrativnix-poslug>

Currently, no such statistics are kept at the national level.

Equality and non-discrimination

4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviours that hinder older persons' rights to accessibility, infrastructure and habitat (transport, housing and access)?

The Commissioner takes relevant measures.

Remedies and Redress

5. What mechanisms are necessary, or already in place, for older persons to submit complaints and seek redress for denial of their rights to accessibility, infrastructure and habitat (transport, housing and access)?

Older persons may apply to state authorities, local self-government bodies, associations of citizens, enterprises, institutions, organisations regardless of ownership, media, officials in accordance with their functional responsibilities with an application or petition regarding the enjoyment of their socio-economic, political and personal rights and legitimate interests and a complaint about their violation in accordance with the Law of Ukraine "On Citizens' Appeals".

Protection of the rights, freedoms or legitimate interests of a person and a citizen is also possible in administrative proceedings in accordance with the Law of Ukraine "On Administrative Procedure", which entered into force on December 15, 2023². This Law ensures the right of a person to participate in the decision-making process that affects his or her rights and obligations at the stage before the decision is made, and introduces adversarial rules similar to those in a court proceeding.

An elderly person may apply to the Ukrainian Parliament Commissioner for Human Rights in accordance with the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" to protect his or her violated right³.

Every person has the right to apply to court for protection of their violated rights, freedoms or interests, and one of the ways of judicial protection, in particular in administrative proceedings⁴ (when the actions of a public authority are appealed), is to recover from the defendant funds to compensate for the damage caused by his or her unlawful decisions, actions or omissions.

² <https://zakon.rada.gov.ua/laws/show/2073-20#Text>

³ <https://zakon.rada.gov.ua/laws/show/776/97-%D0%B2%D1%80#Text>

⁴ <https://zakon.rada.gov.ua/laws/show/2747-15#Text>