

ENNHRI CRPD WORKING GROUP NEWSLETTER

OCTOBER-DECEMBER 2020 / **ISSUE III**

**Building Back Better Together
Lessons Learned from Covid-19 Pandemic**



This publication has been created with the assistance of the United Nations Development Program (UNDP)
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Dear reader,

It is with great pleasure that I present to you the III Newsletter of ENNHRI's CRPD Working Group. It is the last newsletter covering 2020 – a year that has introduced new and unknown challenges to everybody. 2020 has been like no other, as the Coronavirus outbreak (Covid-19) has affected our lives in unprecedented ways. It was one of the biggest challenges for the entire world to respond rapidly to the pandemic and, at the same time, maintain a peaceful state of mind. NHRIs have done a terrific job in standing firm for the protection and promotion of human rights and rule of law, and in quickly adapting their work to the pandemic.

Even though 2020 has ended, the pandemic still goes on and States face continuous challenges in terms of the protection of the rights of persons with disabilities, which have been affected by Covid-19 the most. It is clear that 2021 will still be impacted by Covid-19, however, we have learned a lot during this past year. It is crucial that we start building back better together. NHRIs must play an important role in analyzing and implementing lessons learned from 2020.

This Newsletter has been a useful opportunity to share stories, documents and good practices and draw from each other's experiences. Thus, I want to thank everyone who has been involved in its preparation and I wish to express my most sincere gratitude to the members of ENNHRI CRPD WG and to the ENNHRI Secretariat for their active contribution to this Newsletter – without their willingness and dedication, we could not have achieved some incredible things in 2020.

We will continue to prepare quarterly Newsletters in 2021 and be active in the work of the ENNHRI CRPD WG. We hope that our activities will have the desired impact and we welcome any suggestions from you as to how to make our work more effective.

I do hope you find this issue of Newsletter informative and useful. Please feel free to share it with your colleagues and other stakeholders. We would greatly appreciate your feedback.

I firmly believe that 2021 will bring us lots of happiness, success, and joy!

Yours sincerely,

Ekaterine Skhiladze

Deputy Public Defender of Georgia

ENNHRI CRPD WG Chair

ENNHRI CRPD WG Members and Observers Work on the Rights of Persons with Disabilities

Albania

Groups established within the People's Advocate of Albania have monitored online media and portals, in order to identify the problems of people with disabilities and beyond. There has been a continued online communication with the heads of Residential Social Care Institutions, where people with disabilities are accommodated regarding the measures taken to protect against the spread of Covid-19, with vaccination of beneficiaries and staff of the institutions, the state of health of the beneficiaries and problems that may be encountered during everyday life. The People's Advocate addressed municipalities requesting them to eliminate delays in payment of disability allowance during the pandemic. Additionally, the People's Advocate addressed 61 municipalities with the recommendations to take measures for ensuring independent mobility of persons with visual impairments. The Office of People's Advocate participated in various meetings and discussions regarding accessibility, challenges faced by persons with disabilities during the pandemic and laws and government documents on the rights of persons with disabilities. Furthermore, on the occasion of October 1st, International Day of Older Persons, the Albanian Society for All Ages -ASAG- organized the event: "Eradicating poverty for the elderly is an obligation", to join the call for action "Decade of Healthy Old Age 2020-2030". See the details [here](#).

Azerbaijan

The members of the Ombudsman's National Preventive Mechanism have conducted visits to Children's Homes in Baku, Sheki and Lankaran cities to assess the living conditions and standards of the treatment of children with limited health capacities and those deprived of paren-

tal care. During these visits, children have been given broad information on the UN Convention on the Rights of the Child, the domestic Law on Child rights, and the activities of the Ombudsman in this field. Monitoring was conducted at Sheki City Psychiatric Hospital and Ganja Psych Neurological Social Service Institution № 4 to inspect general living conditions and treatment standards during a special quarantine regime. Representatives of the Ombudsman examined various conditions, namely, nutrition, access to medical and social services, documentation



Photo: The members of the Ombudsman's National Preventive Mechanism visit to Children's Homes in Baku

and general situation of patients' rights. During the visit, the administrative and dormitory buildings, wards, canteen and food storage, and other units in the facilities were inspected. At the end of the monitoring, chief and responsible staff were given relevant recommendations on how to improve the living conditions, medical care and documentation in accordance with national and international law. See details [here](#).

Belgium

In November, the Interfederal Centre for Equal Opportunities (Unia) published a [general report on the impact of Covid-19](#) related to measures on human rights. Unia analyzed the impact of the coronavirus crisis on Belgian society. The measures taken by the authorities to contain the pandemic have had a serious impact, particularly on the most vulnerable groups, including persons with disabilities, therefore, Unia questioned the proportionality of these measures and issued recommendations to the authorities.

On December 3, Unia published a [report based on a consultation of persons with disabilities on the respect of their rights](#). 1144 persons were surveyed online for the report from 3 December 2019 to 1 June 2020. The survey was conducted

on 10 major topics - education, work, accessibility, choice of place of residence, the standard of living, participation in cultural and recreational life, participation in political and public life, relational, emotional and sexual life, respect for physical and mental integrity, the image of disability. Participants were asked if they experience obstacles in exercising their rights and if they have seen a positive change since 2014 (date of last evaluation of Belgium by UN CRPD Committee). The aim of the survey was to guide Unia's work and enhance the parallel report to the UN CRPD Committee in the context of the second evaluation.

Bulgaria

In October 2020, the Monitoring Council held a meeting discussing a Bill Amending and Supplementing the Act on Persons with Disabilities. Opinions on the bill were sent to the relevant authorities. Furthermore, the participants of the meeting discussed the performance of the special Workgroup, established by Bulgarian authorities to draft an Action Plan for the implementation of the final recommendations to the Republic of Bulgaria made by the UN CRPD Committee (2021-2026). The Ombudswoman sent a recommendation to the relevant agencies where she advocated for a fair solution in the 2021 State Budget concerning the amount of the monthly allowances granted to raise a child with a permanent disability. In this opinion, the Ombudswoman urged the authorities to eliminate the existing discriminatory practice in relation to children with 90% and over 90% disability. Moreover, within the framework of the World Human Rights Day, the Ombudsman organized an online meeting with the Minister of Education and Science "Problems of Distance Learning" during the epidemic situation with the main focus on the issues that affect children with special educational needs and children with disabilities. The Ombudswoman addressed a recommendation to the relevant authorities to request that persons with disabilities be urgently informed about the procedure they should follow in order to be provided with medical devices, aids and equipment from 1 January 2021 onwards. See the details [here](#).



"Only through the adoption of a human rights approach will we achieve equitable, sustainable and resilient societies. This includes, among others, the recognition of education as an essential element to empower persons with disabilities and to integrate them into their communities socially and politically."

GERARD QUINN

Special Rapporteur on the rights of persons with disabilities

The Statement made to mark the International Day of Persons with Disabilities

Croatia

In October, the Ombudswoman presented the annual report to the Croatian Parliament highlighting the grave situation of persons with disabilities in institutions following her warning that the protection measures used for them during the pandemic were disproportionate. On the International Day of Persons with Disabilities, the Ombudswoman organized a Zoom conference on the challenges of studying with a disability. In preparation for the conference a survey was conducted to gain an insight into the experiences of students with disabilities focusing on the problems caused by the pandemic. Regional offices organized online meetings with local representatives of the associations of persons with disabilities to discuss existing challenges, as a result, the Ombudswoman issued recommendations to relevant authorities regarding the need to ensure support to the work of associations and include persons with disabilities (includ-

ing war veterans), their caretakers and assistants among the first to be vaccinated against Covid-19. Following information on alleged violations of the rights of persons with mental health issues in court proceedings deciding on involun-

during 2020. The document is available in Greek and includes an English summary from page 25. See details [here](#).

Czech Republic

The CRPD Department of the Office of Public Defender of Rights continued its activities online due to the increase of Covid-19 cases in the Czech Republic. The representatives of the department met with the authorities to discuss the employment of people with disabilities in the public sector, held a lecture for law students on the topic of employment of people with disabilities and a lecture on disability rights in public administration for public administration students. The Public Defender of Rights also organized an event in December to mark and evaluate the ECHR's contribution to disability rights and continued spreading awareness on social media. Visits to the institutions were postponed due to the risk of spreading the disease, however, the methodology of the visits was updated and recommendations for social service providers were

tary placement in psychiatric hospitals, advisors to the Ombudswoman attended court hearings to gain insight into the situation of persons with psychosocial disabilities in these proceedings. The results of the research are to follow. See the details [here](#).

Cyprus

In the last quarter of 2020, the Office of the Commissioner for Administration and the Protection of Human Rights (Ombudsman) published several reports, namely – [Report regarding the provision of reasonable adjustments with a differentiated examination essay to persons with disabilities, for the purposes of professional development](#) (available in Greek). Following the report, the Ombudsman was informed that the reasonable adjustments have been made; [Report regarding the withholding of wheelchair for a person with a disability from the Home for the Elderly until the payment of the accommodation fees](#) (available in Greek); [Report on the decision to terminate a severe mobility disability allowance](#) (available in Greek); [Report regarding the gap observed in the provision of reasonable accommodation and adjustments at summer schools](#) (available in Greek); Furthermore, the Ombudsman made several interventions on various topics. It should be emphasized that the Ombudsman made a special publication – [Covid-19 and Human rights](#) - on the occasion of Human Rights Day, which includes all interventions made by the Ombudsman regarding Covid-19



Photo: 2 December ECHR event

prepared. The recommendations cover in detail several areas: independent living, employment and education, health, support in decision-making and mechanisms for the protection of rights, as well as privacy and dignity, prevention of ill-treatment and leisure. The Public Defender of Rights organized the workshop to develop monitoring indicators. Furthermore, new research on barriers obstructing independent living of young people with disabilities was conducted in September with follow-up activities. See details [here](#).



Georgia

The Public Defender of Georgia has prepared and presented a constitutional claim to the Constitutional Court of Georgia concerning parking regulations for cars owned by persons with disabilities in Tbilisi. On October 20, 2020 an online meeting was held with the Prosecutor General's



Photo: Meeting with the Prosecutor General's Office of Georgia and Members of the Council

Office of Georgia and Members of the Council for monitoring the promotion, protection and implementation of UN CRPD under the Public Defender of Georgia. The recommendation developed by the Prosecutor's Office of Georgia on "Standards for working with disabled witnesses, victims and accused", the challenges faced by persons with disabilities and the measures taken by the Prosecutor's Office in this regard were discussed during the meeting. The Department on the rights of persons with disabilities developed monitoring methodology of boarding houses and in October 2020 paid 5 monitoring visits to 5 existing large boarding houses (institutions) for persons and children with disabilities. On October 31, 2020, on elections day, the Public Defender visited one of the polling stations and received information about the exercise of the right to vote by persons with visual impairments on the ground. On-site observations made it clear that members of the commission were not informed of the main issues of the use of the special forms for blind persons. Voting independently by the blind would have been impossible without their special knowledge and experience. In December 2020, the Public Defender of Georgia has [published a special report](#) developed on the basis of the findings of the monitoring conducted at daycare centers for persons with disabilities. The Public Defender issued several statements, gave recommendations to

private entities to eliminate discriminatory practices and conducted awareness-raising activities. See the details [here](#).

Germany

On 17 November 2020, the German Federal Government Commissioner for Matters relating to Persons with Disabilities initiated and hosted the European Inclusion Summit 2020 online to discuss the state of inclusion in Europe with representatives of persons with disabilities, Ombudspersons, as well as representatives of civil society. The first European Inclusion Summit ended with the adoption of an [official declaration by the EU member states' representatives](#) of the interests of persons with disabilities. The declaration is addressed to the European Commission and the EU member states and contains recommendations and demands for the 2020-2030 European Disability Strategy. One of the key recommendations is the creation of the Office of a European Disability Ombudsperson.

At the early phase of the Covid-19 pandemic, interest groups voiced concerns that persons with disabilities could be at risk to face medical neglect in case of an overburdening of the German health system. These concerns were caused by the publication of joint clinical-ethical guidelines for triage. Among others, these guidelines referred to the "Clinical Frailty Scale" that could become necessary in case of scarce availability of resources for intensive care. The interest groups criticized that the Clinical Frailty Scale is based on an outdated view on impairment and disability, so it could result in the denial of life-saving intensive care support. Since the beginning of the pandemic, the German Institute for Human Rights has advocated that human rights must be the binding standard for government action during the Covid-19 pandemic. In an opinion piece to the Federal Constitutional Court on the case described above, it took the position that the legislature must initiate quickly a non-discriminatory legal regulation for a triage situation. See details [here](#).



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“We now must find the means to achieve the goals of the Convention by mobilizing the formidable resources at our disposal – science and technology in particular – to meet the specific needs of people, whatever their disability. In order to achieve lasting inclusion, people with disabilities must be able to apply their skills and abilities, and play a full part in the development of solutions. On this International Day of Persons with Disabilities, I call on the entire international community to mobilize so that persons with disabilities may actively contribute to the response to the crisis and to the generation of new possibilities.”

AUDREY AZOULAY

Director-General of UNESCO

Statement made to mark the International Day of Persons with Disabilities

Ireland

In November 2020, the Irish Human Rights and Equality Commission made a [submission to Ireland’s newly-established Parliamentary Committee on Disability Matters](#) to inform the Committee’s Terms of Reference and Work Programme. Chief Commissioner Sinéad Gibney and Commission member Dr. Rosaleen MacDonagh appeared before the committee for further engagement on the submission and on the progress of Ireland’s National Disability Inclusion Strategy and the UN CRPD. [A transcript of the](#)

[meeting](#) and a [video recording with Irish Sign Language interpreting](#) are available. The Commission’s Disability Advisory Committee met in October to consider issues relating to the UN CRPD Article 12 in Ireland. At this meeting the Committee engaged with the Director of Ireland’s Decision Support Service, a new public body being established to oversee implementation of a modern statutory framework on supported decision making in Ireland. In October and November 2020, the Commission participated in an EU Commission stakeholder consultation on the next European Disability Strategy.

Russia

The Russian Ombudswoman published a special report on the protection of disabled persons’ rights, which is currently being translated into English.

Slovenia

The Human Rights Ombudsman of the Republic of Slovenia looked into various initiatives concerning people with disabilities, met with representatives of disability organizations and issued several recommendations to the government, ministries and other stakeholders relating to COVID-19 and beyond. Some of the activities are as follows - the Ombudsman continued to focus on the need to establish an independent body to effectively promote, protect and monitor the implementation of the UN CRPD; Met with the relevant authorities and stakeholders to discuss the accessibility of information for persons with disabilities; Started analyzing the issue of access to mental health services during the pandemic; Advised the government that conditioning border crossings using the #StayHealth mobile app is discriminatory on the grounds of disability for those unable to use the required technical devices; Called on the government to examine the level of exclusion or absenteeism of children with special needs in online education processes; Prepared a [guide](#) on complaints to the UN treaty bodies, including the UN CRPD Committee, etc. See details [here](#).

Ukraine

In the last quarter of 2020, 29 remote monitoring visits were conducted by the Parliament Commissioner for Human Rights to assess accessibility for people with disabilities and other low-mobility groups of the population of public receptions, central and local executive bodies. In accordance with the violations identified during the monitoring visits relevant recommendations were sent and the status of their implementation is being monitored. During the preparation and holding of local elections, which took place on October 25, 2020, the Commissioner conducted monitoring of the accessibility of polling stations for people with disabilities and other low-mobility groups. On 3 December, the International Day of Persons with Disabilities, a meeting of the Coordinating Council for the Prevention and Combating of Discrimination was held on the topic: "Respect for the rights of persons with disabilities in the context of COVID-19", which discussed the issues faced by people with disabilities. In particular, the issue of access of persons with disabilities to social and medical services in the context of the spread of this disease was discussed. As a result of the discussion, it was decided to coordinate the efforts of public authorities to ensure that persons with disabilities can exercise their rights not only during the pandemic but also once it's over. See details [here](#).

Activities of ENNHRI CRPD Working Group on the Rights of Persons with Disabilities

In October 2020, the second issue of the quarterly Newsletter - "[Important Role of NHRIs, Regional and International Organizations](#)" - was drawn up within the framework of ENNHRI CRPD WG. The Newsletter covered information about the work of ENNHRI CRPD WG members and observers in the field of the rights of persons with disabilities and summarized the work of the relevant international and regional networks/organizations for the period of July-September, 2020. The document introduced a new section "Re-

sources", which contains information about useful materials, policy documents, reports, events, guidelines and other issues relating to persons with disabilities.

["Rights of persons with disabilities during COVID-19: How have NHRIs responded?"](#) – a guest post by Ekaterine Skhiladze, Deputy Public Defender of Georgia, Chair of ENNHRI's CRPD WG was published on the ENNHRI website on December 18, 2020. The article outlined challenges faced by persons with disabilities all around the world due to the Covid-19 and an important role of NHRI in the protection of their rights.

A video clip, summarizing ENNHRI CRPD WG activities of 2020 had been prepared by Working Group Chair, Ekaterine Skhiladze. Apart from the video clip, ENNHRI CRPD WG Annual Report "Global Pandemic and Persons with Disabilities – Overcoming New Barriers" was drafted and disseminated among WG members.

The Group has also drafted a new, 2021 Work Plan for further protection of the rights of persons with disabilities in the new reality.



“One obvious learning from the past few months is the conspicuous lack of consultation with people with disabilities, their representative organizations and human rights defenders with disabilities, in shaping the response to the COVID-19 pandemic. Problems that were wholly predictable were missed and this negatively affected both the legitimacy of immediate responses and their effectiveness. .”

DANLAMI BASHARU

Chair of the UN Committee on the Rights of Persons with Disabilities

The Statement made to mark the International Day of Persons with Disabilities

Regional and International Actors work on the Rights of Persons with Disabilities

Regional and international actors have continued to adapt to the existing Covid-19 reality. Various documents were adopted and guidelines developed for the purpose of assisting respective stakeholders in their work to protect and promote human rights during the pandemic. Furthermore, many regional and international organizations held important and very useful events online, which were accessible to the wider public. Such events played a crucial role in supporting NHRIs along with other actors to plan and carry out their activities effectively.

United Nations

Within the frames of the World Mental Health Month, the UN organized series of webinars on mental health and wellbeing. You can find the recordings of the webinars [here](#).

In October 2020, the UN Human Rights Council elected Mr. Gerard Quinn as the Special Rapporteur on the Rights of Persons with Disabilities. He replaced in this position Ms. Catalina Devandas Aguilar, who proudly served as the Special Reporter from 2014 to 2020. Please read [here](#) about Mr. Quinn’s biography and past experience.

The Thirteenth Meeting of States Parties to the UN CRPD to replace those whose terms were due to expire on 31 December 2020 was held on 30 November 2020 at the UN Headquarters in New York. Eight out of nine Members of the UN CRPD Committee were elected to replace those whose terms expired. You can find the details and the list of the elected members [here](#).

UN human rights experts have urged States to ensure that people with disabilities are fully included in the “building back better” process. To mark the International Day of Persons with Disabilities (3 December 2020) they [issued remarks](#) on the importance to analyze the impact of Covid-19 and ensure that everyone is equally valued and included.



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“As the “world recovers from the pandemic, we must ensure that the aspirations and rights of persons with disabilities are included and accounted for in a -inclusive, accessible and sustainable post COVID-19 world. This vision will only be achieved through active consultation with persons with disabilities and their representative organizations.”

ANTÓNIO GUTERRES

Secretary-General of the UN

The Statement made to mark the International Day of Persons with Disabilities

European Union

The European Commission finished an [evaluation of the European Disability Strategy 2010-2020](#). The Commission launched the evaluation of the Strategy in 2019 to assess its implementation in terms of effectiveness, efficiency, relevance, coherence and EU added value. A wide range of stakeholders was consulted, including Member States’ competent authorities, experts in the field of disability, civil society organizations, and citizens. You can find the executive summary of the evaluation document [here](#).

The European Commission has published a [roadmap](#) on the post-2020 European Disability Strategy, to be adopted in the 1st quarter of 2021. The strategy aims to ensure that people with disabilities can experience full social and economic inclusion on an equal basis with others and live free from discrimination. It will fo-

cus on implementing the UN Convention on the Rights of Persons with Disabilities and consolidating the EU’s body of law in this field build on the 2010-20 strategy, both through targeted action and by ensuring disability rights are taken into account across all EU policies, programmes and instruments.

Equinet

In autumn 2020, MEP Katrin Langensiepen presented the first draft of the new report on the [‘Implementation of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation in light of the UN CRPD’](#). Equinet, as well as numerous DPOs, have extensively collaborated in the drafting of the report through a series of meetings held from February to September 2020. The report is being debated at the moment and it is expected to be adopted in January 2021. Following the report, in December 2020 the European Parliament research service published [Implementation of the Employment Equality Directive in light of the UN CRPD European Implementation Assessment](#) in which Equinet collaborated. On November 19, Equinet spoke at the webinar on the situation of persons with disabilities in the labour market organised by MEP Katrin Langensiepen together with MEP Marc Angel.

On October and November 2020, the European Commission carried out four thematic consultations on the post-2020 European Disability Strategy to which Equinet was invited and gave input. The stakeholders’ consultations aimed to consult organisations of persons with disabilities and inform the European Commission of their priorities to be included in the post-2020 European Disability Strategy. The thematic areas that were explored in these meetings were: Mobility, accessibility and participation; employment and skills; education, access to health and justice, as well as other civil rights and the finally international cooperation and UN CRPD Governance. Additionally, on 12 of November, Equinet made [a written submission to the European Commission’s Communication ‘Disability rights strategy for 2021-30’](#).

On the 10th November, the [Equality and Human Rights Commission Scotland](#) hosted a webinar titled 'Challenging discrimination under the European Convention on Human Rights'. The discussion drew on the expertise of Equinet's Equality Law Working Group which recently conducted a year-long deep dive study reviewing [Article 14 Judgments over a two-year period from the European Court of Human Rights](#) after a year of monitoring communicated cases; as well as [Equinet's submission to the ECtHR in the case of Toplak and Mrak v Slovenia](#).

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“The pandemic was a stark reminder of the barriers that persons with disabilities continue to face on a daily basis in the European Union and beyond. We must remove those hurdles. The EU is fully committed to promoting the rights of people with disabilities. Yet despite the progress we have made over the past years, there is still a long way to go”



HELENA DALLI

EU Commissioner for Equality

The Statement made to mark the International Day of Persons with Disabilities

Resources

OHCHR prepared [SDG-CRPD Resource Package](#) which includes Policy Guidelines on inclusive Sustainable Development Goals; Training Materials on disability-inclusive Sustainable Development Goals; and SDG-CRPD Videos, which mirror the guidelines and can be used for training and awareness-raising activities.

UN-Women, the Committee on the Elimination of Discrimination against Women, and the Committee on the Rights of Persons with Disabilities made the [joint statement on Ending Sexual Harassment against Women and Girls with Disabilities](#). The statement recognizes that disability and gender intersect to shape sexual harassment and to exacerbate experiences of, create or complicate barriers to ending and achieving justice for, sexual harassment. The statement acknowledges the foundational importance of taking an intersectional approach in building effective work towards the elimination of sexual harassment against women and girls with disabilities. Therefore, the statement expresses commitment to improve collective efforts towards ending sexual harassment to which women and girls are subjected and deepen the reality of 'leaving no one behind', as is obliged in Agenda 2030.

On November 17 European Inclusion Summit 2020 was held online during the German Presidency of the Council of the European Union. Interested parties from more than 30 countries participated to exchange ideas and jointly discuss the European Accessibility Act, the protection of women and children with disabilities against violence, digitalization and

inclusive development cooperation. As part of the virtual High-Level Meeting on 18 November 2020, the EU Member States' representatives of the interests of persons with disabilities adopted a joint declaration, providing input for the European Disability Strategy 2020-2030. You can find the Declaration and Summit materials [here](#).

The International Disability Alliance (IDA) has started a survey on the Experience of Persons with Disabilities Adapting to COVID-19 Global Pandemic. The survey is available in several languages as well as International Sign language. The survey is for persons with disabilities only. The questions of this survey have been developed by persons with disabilities and their representative organizations themselves including by contribution of under-represented groups including women with disabilities, indigenous persons with disabilities and persons with psychosocial disabilities and it is documenting various economic, social and cultural consequences of the pandemic as well as experience of persons with disabilities who have contracted COVID-19. You can see more information and fill the survey [here](#).

The Youth Committee of the European Disability Forum (EDF) has conducted the survey after the first wave of Covid-19 pandemic to learn more about the experience of young people with disabilities around Europe during the crisis, and their state governments' response to the situation. Respondents were asked about how the pandemic impacted their lives in terms of access to support, social life, education, employment, and physical and mental wellbeing. You can read the complete survey [here](#).

We invite you to share your activities as well as any feedback and questions by writing to the Office of Public Defender of Georgia at:
nberishvili@ombudsman.ge