

ENNHRI CRPD WORKING GROUP NEWSLETTER

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Going Forward – Planning a More Sustainable
and Inclusive Future for Persons with
Disabilities



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Dear reader,

It is with great pleasure that I present to you the IV Newsletter of ENNHRI's CRPD Working Group. It is the first newsletter covering 2021 – a year that hopefully will bring relief after such a challenging period. I strongly believe that the hard work of the international community will bring a positive change. Only with joint effort can we overcome challenges and achieve a more sustainable and inclusive future.

The beginning of 2021 brought us some hope, with the COVID-19 vaccination that has started in many countries and proved to be effective. Unfortunately, many States still experience destructive effects of the COVID-19 pandemic. In addition to that, the number of vaccines is still limited and vaccination is not freely accessible for everyone in some States. Only inclusive and widespread vaccination will bring an end to the pandemic and ensure the protection of the most vulnerable groups. It is crucial to ensure equal opportunities for persons with disabilities in the process of vaccination and help them to overcome existing barriers.

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.

We will continue to prepare quarterly Newsletters and be active in the work of ENNHRI's 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 the Newsletter informative and useful. Please feel free to share it with your colleagues and other stakeholders. We would greatly appreciate your feedback.

Yours sincerely,

Ekaterine Skhiladze

Deputy Public Defender of Georgia

ENNHRI CRPD Working Group (WG) Chair

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

Albania

The People's Advocate in Albania has continued to work towards the protection of the rights of persons with disabilities. Daily monitoring of online websites and media has been conducted in order to identify the problems of persons with disabilities and own-initiative case examinations have been started. As a result of the actions taken by the People's Advocate, the elderly and persons with mobility and visual impairment were exempt from making an online application to renew their biometric passport, which was connected to additional difficulties for the above-mentioned groups. In February 2021, the People's Advocate addressed the relevant agency to plan vaccination of beneficiaries and staff of residential social care institutions. For the 2021 general elections, the People's Advocate approved a "Work plan for monitoring the accessibility of infrastructure for person with disabilities in polling places in several cities in Albania". In the period from January to March 2021 the People's Advocate made a follow-up of the issued recommendations and evaluated their fulfillment. See the details [here](#).

Azerbaijan

The Human Rights Commissioner of Azerbaijan continuously focuses on the protection of the rights of persons with disabilities. The members of the NPM [visited Children's Home of Mixed-Type of Sheki City](#) to monitor the conditions of children with special care. The situation with ensuring their rights, as well as measures taken against the spread of the COVID-19 pandemic, were also inspected. On the initiative of the Human Rights Commissioner of Azerbaijan, the most vulnerable groups of the population, including the persons with disabilities living in Karabakh have been provided with relevant psychological aid. In addition, the Office of the Human Rights Commissioner of Azerbaijan [provided social support to vulnerable groups](#) and low-income families who applied to the institution, as well as families of military personnel

with disabilities. The Ganja Regional Center of the Human Rights Commissioner of Azerbaijan held online events entitled "[The role of the Ombudsman in protecting the rights of PWDs](#)" in coordination with the Ganja branch of the Disabled Women's Society. The representative of the Regional Center shared detailed information about the activities on the protection of the disabled as specified in international human rights instruments, including the UN CRPD. See details [here](#).



Belgium

On February 3, Unia and the General Delegate for the Rights of the Child held a joint press conference with Inclusion Europe and FIDH's member organizations in Belgium, presenting the [decision of the European Committee of Social Rights condemning Belgium for failure of inclusive education for children with intellectual disabilities](#). They invited the Minister of Education in the French Community at the press conference in order to outline future efforts together in the best interests of the children. This decision is an important resource for all member states of the CRPD. More information is available on the websites of [Unia](#), [Inclusion Europe](#) and [FIDH](#).

Bulgaria

The institution of the Ombudsman of the Republic of Bulgaria received complaints from personal assistants under the Personal Assistance Act who reported that municipal authorities delay the payment of the salaries due. The Ombudsman recommended to the relevant agency that all necessary measures should be taken to meet the statutory deadlines and to guarantee the rights of the citizens concerned and of the personal assistance users. Acting on the recommendation made by the Ombudsman, the Metropolitan Company drew up a plan containing fixed deadlines and specific measures to eliminate the reported vio-

lations to supply with handrails the last few steps of the stairs leading to the underground train platforms. A recommendation was made to relevant ministry to take measures in order to improve the process of obtaining medical certificates necessary for issuing a driving license for the persons with disabilities. Following a recommendation of the Ombudsman to the National Assembly, a solution has been found to the problem of the inequitable treatment of foster families and the families of close friends and relatives who bring up children with a certified type of disability whose degree is 70% and over 70%. Such families were entitled to monthly allowances in an amount far lower than what the biological parents were entitled to for their children with disabilities that are similar in type and degree. The action taken has eliminated the existing unequal treatment. On 31 March 2021, the Ombudsman of the Republic of Bulgaria submitted the Institution's 2020 Annual Activity Report to the National Assembly. Individual chapters describe the action taken to protect the rights of persons with disabilities and of their families, in addition to the measures to enable the function of monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities by the competent authorities in Bulgaria. See the details [here](#).

Croatia

At the end of March 2021, the Ombudsman for Persons with Disabilities of Croatia, submitted their Annual Work Report for 2020 to the Croatian Parliament. As the Ombudswoman pointed out in the Annual Report, 2020 was completely marked by the COVID-19 pandemic and the earthquakes that led to a significant collapse of the human rights of persons with disabilities and children with disabilities. The events of 2020 affected persons with disabilities in a particularly difficult way. Due to the risk of possible infection with COVID-19, they are recommended complete isolation, which is diametrically opposed to their primary need for services they receive through direct contact from another person. On March 15, **the meeting of the 4th convocation of the Expert Council of the Ombudsman for Persons with Disabilities in Croatia took place**. During the two-hour meeting, current topics important for persons with disabilities, children with disabilities and their families were discussed. Due to the current circumstances related to the pandemic, significant attention has been paid to the impact of COVID-19 on the life and health of persons

with disabilities, as well as the course of vaccination of the population. With the initiative of the Ombudswoman for Persons with Disabilities, a meeting was held on February 17 with coordinators for students with disabilities at universities in Croatia. The meeting was held with the intention to exchange previous experiences and to discuss certain issues and challenges faced by students with disabilities and the offices and coordinators for students with disabilities. On February 8, the Deputy Ombudsman for Persons with Disabilities gave a lecture on the topic **"Persons with Disabilities in the Prison System"** to the participants of the Basic Course of the Judicial Police at the Zagreb prison. See details [here](#).

"[...] Defeating COVID-19, now that we have begun to have the scientific capacity to do so, is more important than ever. The rollout of COVID-19 vaccines is generating hope. At this critical moment, vaccine equity is the biggest moral test before the global community. We must ensure that everybody, everywhere, can be vaccinated as soon as possible [...]"

ANTÓNIO GUTERRES, SECRETARY-GENERAL OF THE UN

Remarks to the Security Council Open Meeting on Ensuring Equitable Access to COVID-19 Vaccines in Contexts Affected by Conflict and Insecurity

Cyprus

The President of the Association of relatives and friends of people with autism "Together for Autism – Syndesmos Mazi", lodged a complaint to the office of the Ombudsman regarding the recent measures issued for the operation of schools during the period of 11-29 January 2021, due to COVID-19. Based on a Circular issued by the Ministry of Education, Culture, Sport and Youth, it was decided that children who attend the Special Units of Primary Schools will receive remote education during that period, even though

at the Special Units of Kindergartens and at Special Schools, education will be held in person. According to the President of the Association, the above decision is considered as discrimination against children of Special Units at Primary Schools, as it is not feasible for them to attend the lessons provided remotely. Therefore, those children are excluded from accessing proper education customized to their individual needs. The Ombudsman stated that the personalized education and benefits these children receive at the Special Units, cannot be replenished or replaced with distance learning. Following the intervention made by the Ombudsman, the Ministry immediately responded and submitted a circular to schools, inviting them to contact the parents of children who are part of Special Education programs and are unable to satisfactorily attend the distance program provided to them. Those parents who wish their children to receive education in person have informed the schools about their decision. After that, schools have planned a program to provide special education in person, in accordance with the needs of the children. See the details [here](#).

Denmark

On February 2, 2021, in the case of Strøbye and Rosenlind v. Denmark the ECtHR ruled against the right to vote for individuals who are under guardianship and deprived of their legal capacity. One of the applicants has requested that the chamber judgment be referred to the Grand Chamber for reconsideration. The Danish Institute for Human Rights (DIHR) has decided to support this request, the judgment diverges from existing case-law in ways that undermine fundamental rights applying to a particularly vulnerable group in society and because the case raises important questions regarding how much weight the role of the CPRD should have in such cases. The DIHR sent a proposal to ENNHRI's Board with a draft letter of support for the applicants' referral request. On March 24 DIHR brought a case before the Danish Board of Equal Treatment regarding discrimination on the grounds of disability due to a decision by the Danish Medicines Council not to recommend a new treatment called Spinraza (Nuisersen) to children who suffer from spinal muscular atrophy type 2 (a muscle-wasting condition). The DIHR finds that the Danish Medicines Council has assessed the effect of Spinraza from an able-bodied perspective, because the assessment relies on the minimal value of the

effect that the medicine would have on able-bodied people, while the effect that the medicine can have on people with a severe disability is not given as much value. See the details [here](#).

Georgia

On February 2, 2021, the Public Defender of Georgia [addressed relevant agencies with a general proposal](#) relating to the fulfillment of the obligation of reasonable accommodation for students with disabilities. According to the general proposal, it is necessary to introduce an individual and comprehensive procedure for communication with persons with disabilities and to determine, in each specific case, the measures that will adequately respond to the special needs of the person concerned. On February 18, 2021, the Deputy Public Defender and representatives of the Public Defender's Office of Georgia [held an information meeting](#) for representatives of one of the insurance companies to raise awareness about the rights of persons with disabilities and improving the quality of services provided to them by private companies. On March 4, 2021, the Public Defender of Georgia [published a Special Report on monitoring carried out at Tbilisi Mental Health Center](#). The Public Defender of Georgia called on the State to respond to the acute problems at the facility in a timely manner. **The Parliament of Georgia ratified the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities**. It is noteworthy, that the Public Defender of Georgia, since the ratification of the Convention (2014), has been constantly calling on the State to ratify the Optional Protocol, which will allow persons with disabilities residing in the country to apply to the relevant UN Committee relating to the violations of their rights. On March 16, 2021, the Public Defender's Office, in cooperation with the United Nations Development Programme (UNDP), [launched a series of training](#) on the topic: **Technical Regulations - National Accessibility Standards**. During Reporting Period representatives of the Public Defender paid overall 20 monitoring visits to mental Health facilities, prison and Community house. Monitoring Reports are being prepared. See details [here](#).

Germany

The German Guardianship law has been reformed. Autonomy as well as the will and preferences of the person concerned are given greater weight. The aim is to put strict adherence to the principle of necessity into practice. The priority of social support over the establishment of guardianship is emphasized more strongly. Guardians will be obliged to register to ensure better monitoring. The provisions regarding the participation of persons with legal guardianship in court proceedings have been strengthened. In emergency situations spouses are entitled by law to represent each other, even if no power of attorney has been granted. The reform takes important steps toward more self-determination, but it does not fully implement the required paradigm shift away from paternalism to legal support. From a human rights perspective the most critical points have not been revised: the authorization to act on behalf and against the will of the person concerned if the will is considered to be unfree, and coercive measures in psychiatry and facilities for persons with disabilities. The National CRPD Monitoring Mechanism advocated for the establishment of supported decision-making in the reform process, including as an expert in the legislative process. Germany is in the legislative process of implementing the European Accessibility Act (EAA). As things stand at present, Germany will only implement the absolutely necessary provisions as required by the EAA and will not use its margins of appreciation. A strong civil society alliance is fighting for implementation of the EAA in the light of the CRPD. The National CRPD Monitoring Mechanism has carried out a consultation of DPOs, with the federal and state commissioners for persons with disabilities on the topic and advocates for comprehensive accessibility through written statements in the legislative process. See details [here](#).

Ireland

In January the Irish Human Rights and Equality Commission (IHREC) issued a [press statement](#) warning that people with disabilities were being left behind and excluded from decision-making in respect of COVID-19 response planning by the State. The Commission called for inclusive human rights and equality-based approach to be taken to the provision of public services in line with the statutory Public Sector Equality and Human Rights Duty. In February, **IHREC**

published a [Submission to the Committee on Justice on the Dying with Dignity Bill 2020](#). The submission acknowledges that legislating for physician-assisted dying engages several rights including the right to life, respect for human dignity, personal autonomy and the protection of particular risk groups. The submission argues that any law governing physician-assisted dying must be informed by human rights and equality standards, and that prior to the passing of legislation of this kind, the State must ensure that a robust legal and regulatory framework is in place to uphold rights. In February, **IHREC published a [Submission to the Committee on Housing, Local Government and Heritage on the General Scheme of the Electoral Reform Bill](#)**. The submission recommends that the proposed Electoral Commission be mandated to engage groups facing barriers to electoral participation, including persons with disabilities. In March, **IHREC published a [Submission to the Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gael-tacht on the General Scheme of the Online Safety and Media Regulation Bill](#)**. The submission underlines the State's obligations under the CPRD in respect of ensuring accessibility online. In March, IHREC issued a [press statement](#) in response to allegations that the Department of Health has been collecting information on children with autism who are involved in legal challenges to the State for access to basic services. The Commission is concerned that the reported data collection practices raise significant human rights issues about the State's approach to the privacy rights of citizens, patient confidentiality, and in particular, its fundamental approach to people with a disability and their families. See details [here](#).

Scotland

The Scottish Human Rights Commission made two significant developments in its work to ensure the rights of disabled people in Scotland are respected, protected and fulfilled. In March 2021, the Scottish Parliament legislated to incorporate the UNCRC into law (press release can be found [here](#)). The Act directly enshrines children's rights, including the right of disabled children to enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance and facilitate active participation in the community. In addition to this, the Scottish Government has committed to incorporating the UN treaties of CRPD, ICESCR, CEDAW and CERD into Scots law. A new Human Rights Bill will be pivotal in embedding human rights

decision-making into public services and will ensure better access to justice for those most likely to experience violations of their rights (see further information [here](#)).



"[...]Children with disabilities should be enabled to play and practice sports with other children – both in and out of schools. To change negative attitudes, the most effective tactic is always real-life, first-hand experience, and children who have opportunities to build friendships with persons with disabilities are better prepared to counter stigma and discrimination throughout their lives [...]"

MICHELLE BACHELET, HIGH COMMISSIONER FOR HUMAN RIGHTS

Statement made on 46th session of the Human Rights Council

Serbia

In March 2021 the Protector of Citizens (Ombudsman) of the Republic of Serbia has announced a public call for proposals to local self-government units that made the greatest contribution to the development of all forms of accessibility in their respective territories in the year 2020 for receiving Accessibility Award. **Serbian Government adopted the [National Strategy and Action Plan for Improving the Position of Persons with Disabilities for the period 2020-2024](#)**. The Ombudsman submitted Draft National Strategy and Action Plan accepting fully to perform the function of the independent national monitoring mechanism, in accordance with Article 33 of the UN CRPD and in line with the relevant recommendation of the Committee on the Rights of Persons with Disabilities, made in the Concluding Observations on the [Initial Report of the](#)

Republic of Serbia. In its Regular Annual Reports and in its Opinions the Protector of Citizens emphasizes that shortcomings which prevent the full exercise of rights on the basis of pregnancy, childbirth and child care are still present. Among these shortcomings especially prominent are illegality and irregularities towards children and families and notable unfairness and multiple detriments of the provisions which prescribe that the right to earnings compensation during the absence from work for the purpose of special child care cannot be exercised for the child for whom the right to allowance for the assistance and care of another person is exercised. In its Opinion to the relevant authorities the Protector of Citizens of the Republic of Serbia recommended amendments to the Law on Financial Support to Families with Children in order to remove these shortcomings. See the details [here](#).

Slovenia

The Ombudsman received several complaints indicating that the Pension and Disability Insurance Institute did not recognize petitioners' right to disability benefits. In all cases, these were individuals whose physical impairment occurred after 2013 due to illness. The law no longer recognizes the right to disability benefits to all people with a physical disability, regardless of how and where it occurred, but only to those whose physical disability occurred due to an injury at work or occupational disease. The Ombudsman called for the abolition of this discriminatory regulation. As a result of the Ombudsman's intervention the recipients of disability benefits, which were previously excluded, were granted a one-off solidarity allowance in the next legislative package in the context of anti-COVID-19 measures. The Ombudsman's Center for Human Rights **organized a webinar to present individual complaint mechanisms before the UN international treaty committees, their work and practice (including the UN Committee on the Rights of Persons with Disabilities)**. The webinar followed Ombudsman's short [guide](#) on complaints to the UN treaty bodies. During January-March 2021 the Ombudsman drew attention to the specific situation and needs of deafblind people during the epidemic, intensively dealt with the placement and appropriate treatment of children and adolescents with predominant mental health problems and psychological and physical disabilities and made inquiries with all social work centres on their accessibility. See details [here](#).

Ukraine

In the first quarter of 2021, 83 monitoring checks of the state of accessibility for people with disabilities and other low-mobility groups were carried out. The Ukrainian Parliament Commissioner for Human Rights identified violations of the rights of persons with disabilities regarding access to the physical environment. As a result, 9 letters of the request were sent to relevant entities. The Commissioner submitted proposals to the draft normative legal act to expand access of persons with disabilities to the election process, to banking services, to ensure barrier-free access to education for children in need of inclusive education and ensure the physical absence of barriers for persons with disabilities in places of detention, which are fully taken into account. In order to improve the legislation a number of draft regulations on ensuring the rights of persons with disabilities were developed and a position on them was given to the bodies with legislative initiative. **The Annual Report of the Commissioner and the special report on the state of observance of human rights and freedoms in places of detention during emergencies related to the spread of COVID-19 were published.** Together with the Council of Europe project “Development of Social Human Rights as a Key Factor of Sustainable Democracy in Ukraine”, **a special report of the Commissioner “On the state of respect for the rights and freedoms of persons with disabilities and protection against discrimination” is being prepared.** Monitoring visits of the national preventive mechanism, identified violations in terms of accessibility in police departments, court premises and inpatient departments of territorial centers of social services. The Commissioner emphasized problematic issues of protection against poverty and social exclusion of persons with disabilities and provided recommendations for their solution during [the hearings of the specialist Committee of the Verkhovna Rada of Ukraine](#). A [presentation](#) was prepared and posted on the Commissioner’s website and on Facebook to inform citizens in difficult living conditions, including persons with disabilities, about the realization of their right to receive social services. See details [here](#).

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

On March 4, 2021, the European Network of National Human Rights Institutions (ENNHRI) and the United Nations Office of the High Commissioner for Human Rights (OHCHR) co-hosted a [webinar on institutionalization of persons with disabilities and the right to truth](#). The aim of the event was to apply the concept of the right to truth in the process of advocating for the deinstitutionalization of institutions for persons with disabilities and to hold a dialogue on this issue, as well as to discuss the challenges created in the process of de-institutionalization in the context of the COVID-19 pandemic. Interventions were made by Ekaterine Skhiladze - the Chair of the ENNHRI CRPD Working Group, Facundo Chavez - Human Rights and Disability Advisor to the UN High Commissioner for Human Rights, Eric Rosenthal - Founder and Executive Director of Disability Rights International, Fabian Salvioli - UN Special Rapporteur on the Special Rapporteur on the Promotion of Truth and Justice, Kriti Sharma - Representative of Human Rights Watch, and other invited guests about the lived experience of institutionalization, the Right to Truth, challenges to truth-telling on institutionalized settings, challenges and impact of failure to realize the right to truth, the role of NHRIs in truth-telling, and the limits of their mandate.

On February 10, 2021, an online meeting on “The human rights violations created by the draft additional protocol to the Oviedo Convention” was held.

The meeting was organized by the European Disability Forum (EDF) and Mental Health Europe (MHE), with the support of Equinet and ENNHRI. The meeting expressed strong opposition to the draft protocol stressing the danger of the establishment of 2 different standards at international and regional levels concerning involuntary treatment and placement in psychiatry.

On February 4, 2021, 37 ENNHRI members and close partners participated in an online meeting of ENNHRI’s CRPD Working Group. The meeting facilitated an exchange of information and practices, focusing on planned activities for 2021, and a discussion about the 2021 Work Plan of the WG. Ekaterine

Skhiladze, as Chair of the CRPD Working Group, moderated the web-meeting. Participants were invited to share brief updates and information on their good practices, including beyond the COVID-19 crisis.



“[...] This must be the year when we put our world back on track towards peace, stability and opportunity for all. Because it is clear that we have lost our way. Those whose life chances were already reduced by inequality and injustice, based on income, race, gender and other forms of discrimination, are suffering most from the impact of COVID-19. (...) If we fail to reverse these inequality trends, we are sowing dangerous seeds of discord, disunity and division for the future [...]”

ANTÓNIO GUTERRES, SECRETARY-GENERAL OF THE UN

Opening remarks to the press following briefing to member states priorities for 2021

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

United Nations

The UN Special Rapporteur on the Rights of Persons with Disabilities [joined](#) the UN Committee on the Rights of Persons with Disabilities in characterizing the recent European Court of Human Rights ruling that allows for a voting ban on people “who lacked the required level of mental skills” as a disappointing setback. They hope that the decision is temporary and

that the Grand Chamber of the Court will have an opportunity to reconsider the case. If so, they hope that the Grand Chamber can re-frame the issues around personhood, new understandings of decision-making, the paradigm shift in the UN Convention on the Rights of Persons with Disabilities and the centrality of the right to vote to the legitimacy of the democratic process.

UN human rights experts [expressed alarm](#) at a growing trend to enact legislation enabling access to medically assisted dying based largely on having a disability or disabling conditions, including in old age. Such legislative provisions would institutionalize and legally authorize ableism, and directly violate Article 10 of the UN Convention on the Rights of Persons with Disabilities, which requires States to ensure that persons with disabilities can effectively enjoy their inherent right to life on an equal basis with others.

The Committee on the Rights of Persons with Disabilities approved a plan of action for 2021, which includes the organization of 7 regional consultations with people with disabilities and their representative organizations “From isolation, invisibility and segregation into inclusion of persons with disabilities in the community. Identifying and overcoming barriers to the successful process of deinstitutionalization”. An info-note on the upcoming regional consultations is already posted on the Committee’s Webpage under the heading “upcoming events”.

Please find it here: ([قبرعل](#)) | [English](#) | [Français](#) | [Русский](#) | [Español](#) | [Portuguese Portuguese](#)).

The CRPD Committee has held a regional consultation for Eastern Europe, Central Asia and for Central and South America. Two regional consultations with representative organizations in the Asia Pacific, and countries of the European Union, Western Europe and other States are scheduled for the 12th and 25th of May.

The twenty-fourth session of the Committee on the Rights of Persons with Disabilities took place from 8 March to 1 April 2021. Owing to the COVID-19 pandemic the session was held virtually. During its session, the Committee held an online constructive dialogue on an exceptional, pilot basis. The Committee [considered the initial report of Estonia](#) (CRPD/C/EST/1). The Committee adopted concluding observations on that report.

The Committee also held two meetings dedicated to the general discussion on article 27 of the Convention, on the right to work and employment. More than 50 representatives from UN Agencies, organizations of persons with disabilities and self-advocates participated in the general discussion. The Committee expects to publish a draft of the General Comment on article 27 by July 2021, together with a call for submissions from stakeholders aimed at gathering comments on the draft of the General Comment.

The Committee considered three individual communications submitted for its consideration under the Optional Protocol to the Convention. The Committee considered matters related to inquiry proceedings pursuant to articles 6 and 7 of the Optional Protocol.

The Committee decided that its twenty-fifth session will be held in Geneva from 16 August to 10 September 2021, subject to confirmation by the Secretariat of the feasibility of an in-person session. At that session, the Committee would consider the initial reports of Bangladesh, Djibouti, France, Jamaica, Japan, Lao P.D.R., and Venezuela.

Equinet

Mid-February, EDF and Mental Health Europe (MHE) organized a briefing call for Equality Bodies and NHRIs regarding “The human rights violations created by the draft additional protocol to the Oviedo Convention”.

At the beginning of March, two days after the [Disability Strategy](#) was published, Equinet published a [Summary of the Strategy](#) which captures the main initiatives of the strategy from the point of view of equality bodies and elaborates on the role of equality bodies in drafting the strategy. Further, Equinet has been involved in the first Strategic Dialogue online meeting on the Commission’s Disability Rights Strategy for 2021-30 together with a number of DPOs and CSOs.

European Disability Forum (EDF)

EDF and Mental Health Europe launch an [advocacy toolkit and joint campaign](#) against the draft additional protocol to the Oviedo Convention. EDF and many stakeholders have been opposing to this draft protocol for many years because it violates the human rights of persons with psychosocial disabilities and the UN Convention on the Rights of Persons with Disabilities. Despite this opposition, the draft has been finalized and will be put for a vote this year.

EDF published [Reaction of EDF on the disability rights strategy](#), and of the [gender perspective in the strategy](#). EDF welcomes that the Disability Rights Strategy is based on the CRPD and recalls the recommendations received by the EU from the UN Committee on the Rights of Persons with Disabilities in 2015. It clearly highlights priorities in the form of actions and flagship initiatives. While some actions are very concrete, with a clear timeframe; other objectives are more aspirational and will need to be further elaborated in the form of an action plan, giving dates for all actions in order to implement the Strategy in full. The strategy promotes an intersectional perspective “addressing specific barriers faced by persons with disabilities who are at the intersection of identities (gender, racial, ethnic, sexual, religious) or in a difficult socioeconomic or other vulnerable situation”. Women and girls with disabilities are explicitly mentioned among persons with disabilities. There are 4 references to gender and 7 references to women in the text of the strategy.

Resources

UN Human Rights Council adopted several documents on its 46th session, that concern the rights of persons with disabilities, namely:

- [Report of the Special Rapporteur on the rights of persons with disabilities;](#)
- [Report of the Office of the United Nations High Commissioner for Human Rights](#) on Panel discussion on promoting and protecting the rights of persons with disabilities in the context of climate change;
- [Report of the United Nations High Commissioner for Human Rights](#) on Relationship between the realization of the right to work and the enjoyment of all human rights by persons with disabilities;
- [Report of the Office of the United Nations High Commissioner for Human Rights](#) on Participation in physical activity and sport under article 30 of the Convention on the Rights of Persons with Disabilities.

Equinet published its [Discussion Paper ‘Reasonable Accommodation for persons with disabilities: Exploring challenges concerning its practical implementation’](#). The paper offers a comparative view of the main identified problematic issues in the field of reasonable accommodation for persons with disabilities, including its legal framework (UNCPRD, CoE, EU law and the national application). This includes:

- The applicable legal framework and the lack of awareness among duty bearers and the general public;
- Difference between reasonable accommodation and accessibility;

- Scope of the duty of reasonable accommodation;
- Procedural aspects regarding who has responsibility for designing a reasonable accommodation measure.

The discussion paper is complemented by the [Annex that compiles relevant case law](#) regarding the topic of the publication, on the basis of which the analysis was done.

The fifth edition of the [EDF Human Rights Report](#) was published, which presents the impact of the COVID-19 pandemic on persons with disabilities in Europe in 2020. It highlights how EU and European countries have largely failed to include persons with disabilities in their response to the pandemic, both within Europe and in their global response.

EDF published the [Position paper on hate speech and hate crime against persons with disabilities](#). The position paper includes several recommendations to the EU to target hate speech and hate crime against persons with disabilities.

Mental Health Europe released a [reflection paper](#) on access to justice for people with mental health problems. The paper includes promising practices on access to justice and legal aid from across Europe. This updated version to the 2020 publication includes references to the new EU Disability Rights Strategy 2021-2030. The position can be used by stakeholders, particularly the EU institutions, the Member States and civil society organizations, as a working document and baseline for the initial discussions around access to justice for persons with psychosocial disabilities and mental health problems.

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

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