

# ENNHRI CRPD WORKING GROUP NEWSLETTER

APRIL-JUNE 2021 / **ISSUE V**

Life with Covid-19 – Recovery from Ongoing Effects of the Pandemic on the Rights of Persons with Disabilities



Dear Reader,

It is with great pleasure that I present to you the V Newsletter of ENNHRI's CRPD Working Group.

Despite the growing experience and important achievements in combating the pandemic, Covid-19 continues to affect the world population, bringing disproportional harm to persons with disabilities and making an enormous impact on their rights. The vaccination process is still not equally accessible and persons with disabilities experience even additional barriers in terms of accessing quality information on vaccination and in general getting vaccines on an equal basis, due to inaccessible registration forms, hotlines, and physical environment of health service providers. In these circumstances, adopting human rights-based approach represents the main concern of States and NHRIs all around the world.

Insufficient involvement of people with disabilities and their representative organizations in decision-making process, including regarding Covid-19, remains a common challenge together with other issues addressed in this Newsletter.

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 contributions.

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 about making 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 WG Chair

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

### Albania

In the framework of 2021 General Elections **People's Advocate conducted inspections to create facilitative conditions for the access of persons with disabilities to the polling stations**, pursuant to work plan for monitoring the accessibility to infrastructure for people with disabilities in polling stations in several cities in Albania. Monitoring was conducted on the Election Day too. The Report was prepared with the relevant conclusions and recommendations. On 14.06.2021, The People's Advocate has approved the *"Work Plan for Monitoring the Accessibility to Infrastructure of Persons with Disabilities in State Institutions, Where Services are Provided to Citizens"*, taking into consideration the case concerning the problem



of lack of ramps for persons with disabilities in state offices for the persons with disabilities. In order to guarantee the enjoyment of political rights by persons with disabilities People's Advocate made recommendation to the Regulatory Commission of the Central Election Commission (CEC) to create appropriate conditions in polling stations for the persons with disabilities. People's Advocate conducted monitoring in Institutions of Execution of Criminal Decisions (IECD) where persons with mental health disorders are placed, psychiatric hospital, and residential social care institutions. See the details [here](#).

### Bulgaria

The Ombudsman Institution has **drafted a set of indicators to enable proper monitoring of UN CRPD Article 9 implementation**. The monitoring methodology is based on the guidelines of the UN CRPD Committee about the development of the indicators with the European Union Agency for Fundamental Rights (FRA) and the methodological instructions. Other specific issues on which the Monitoring Council under the Persons with Disabilities Act has taken action include: Prolongation of the fair treatment policy as regards the beneficiaries of social services during and after lockdown period; Recommendation to codify beneficiaries for life in the event for permanently reduced capacity to work/type and degree of disability; Activation of the Information System for Control on Medical Assessment; Improving the system of assistant support to persons with disabilities. See the details [here](#).

### Croatia

In June the **Croatian Parliament discussed the annual report on the work of the Ombudsman for persons with disabilities**. A section of the report was devoted to the situation of persons with disabilities during the pandemic, in particular, highlighting the difficulties of persons with disabilities in institutions and restriction of movement arising from epidemiological measures. The Ombudswoman has been receiving complaints regarding the poor quality of online education for students with disabilities. In order to examine the situation the institution carried out a survey. After analyzing the results relevant recommendations will be issued. The institution conducted monitoring of institution for persons with intellectual disabilities which revealed discrimination in access to healthcare and



violation of rights during the pandemic. The ombudswoman issued the statement for local elections calling for the voice of persons with disabilities to

be heard. The ombudswoman also called on all the political actors to ensure accessibility for different groups of persons with disabilities as well as persons with disabilities themselves to exercise their right to vote. The regional office in Osijek organised an online meeting with organisations of persons with disabilities from the region. This enabled the organisations to speak about challenges persons with disabilities face and start planning joint actions which could be undertaken to address them. See the details [here](#).

## Cyprus

A [Report was submitted](#) in April 2021, regarding the exclusion of people with disabilities from the Minimum Guaranteed Income and disability allowances, when their disability is certified as medium or mild and not as serious as requested by the relevant legislation. According to the Report, even though these people have problems and expenses related to their disability, they do not receive any financial assistance. The Commissioner has submitted an [ex officio Intervention](#) regarding the exercise of the civil rights of persons with disabilities and their equal participation in elections. The Intervention was prepared in view of the upcoming parliamentary elections on May 31st, in the context of a wider in-progress [Awareness Campaign](#) regarding the **Equal Participation of Persons with Disabilities in the Elections**.

## Czech Republic

In April, the Public Defender of Rights has published [two research reports](#) regarding employment in the public sector – one focusing on the experiences of persons with disabilities as employees and the other on attitudes of representatives of the public sector. The Public Defender of Rights has issued a recommendation for the Ministry of Health to ensure that the telephone line providing information regarding COVID-19 is accessible to all people with disabilities. The Office of Public Defender of Rights has organized a webinar for self-advocates from Uherské Hradiště where they discussed activities of the monitoring mechanism under art. 33 the UN CRPD as well as challenges that self-advocates face during everyday life. **Three podcasts in the series “Coffee with the Ombudsman” were focused on persons with disabilities.** In February, the NPM team discussed [issues that people living in social care institutions faced](#)

[during COVID-19 pandemic](#), in April [the findings of the two reports regarding employment of persons with disabilities in public sector](#) was introduced and in May participants talked [about how to support chil-](#)



[dren with disabilities and their families.](#) NPM published [the report](#) on forensic treatment and restraints from 2019 in English. The report is based on visits to 10 psychiatric facilities for adults and several individual inquiries, mostly from patients in forensic care. See the details [here](#).

## Attention!

The Office of the Public Defender of Rights of the Czech Republic is conducting a **survey on the role and activities of monitoring mechanisms in providing support in submitting complaints under the Optional Protocol (OP)**. In the Czech Republic the OP is currently awaiting the signing from the President, after that it will be fully ratified. The Public Defender of Rights would appreciate if other monitoring mechanisms could share their experiences. You can complete a short survey on this address: <https://forms.gle/xc6CBRq4eJ4XQGk38> or send the information to Ms. Zuzana Durajova via email: [durajova@ochrance.cz](mailto:durajova@ochrance.cz)

## Denmark

In June, the Danish Institute for Human Rights published a **report regarding the choice of housing and the right to live independently for people with disabilities.** In the report the rules that apply to referral to housing, including the opportunities in Danish leg-

isolation to choose between different types of housing are reviewed. Furthermore, the results of a survey on the freedom of choice in connection with referral to housing for people with disabilities are presented. This part is based on 230 responses from case-workers in Danish municipalities. The study reveals continued challenges, despite a political intention to separate housing and support. While many people with disabilities with extensive need for support can choose between different types of housing, there is still a significant proportion who have little freedom of choice. The degree of support required still plays a significant role in where and how they end up living. In addition, many citizens are limited by their home municipality, as they have little opportunity to choose a different home than the one offered by the municipality.

## Georgia

Office of the Public Defender of Georgia (PDO) prepared a report, based on the monitoring conducted in one of the Community Service provider organizations, which delivers residential service to persons with disabilities. Considering the shortcomings identified in the report, PDO addressed the relevant Ministry to ensure improvement of services for persons with disabilities and provide decent and dignified living conditions for them. 29 online and 2 in-person meetings were held with representatives of local municipalities, persons with disabilities, civil society organizations and service providers in order to raise awareness about the UN CRPD, national legislation and the work of PDO. **7th Annual Report on the State of Equality was published which covers the year 2020** and highlights the major obstacles to the realization of the right to equality faced by women, persons with disabilities, members of religious minorities, LGBT+ people and other vulnerable groups. It is noteworthy, that 9% of applications concerning unequal treatment examined by Public Defender is on the ground of disability. In addition to that, 46 monitoring visits were conducted in order to evaluate the effects of the COVID-19 pandemic on the quality of life and rights of children, including children with disabilities. The monitoring report is being prepared. With the initiative of the Public Defender and the support of UNDP, **an online meeting** was held to discuss the participation of persons with disabilities in the decision-making process and lay foundation for the practice of promoting quality and equal participation.

For the National Day of Persons with Disabilities PDO published **a photo collage** depicting representatives of the disability community and disability rights activists talking about the main challenges and pressing problems in this area. See the details **here**.

## Germany

The German Institute for Human Rights published **a position paper highlighting crucial human rights challenges faced by persons with disabilities in Germany during the pandemic**. The paper places a particular emphasis on the prolonged access to protective materials and vaccinations, the impact of visiting bans and other infection control measures in institutions, the risk of a discriminatory application of clinical-ethical triage guidelines and insufficient involvement of people with disabilities and their representative organizations in political decisions regarding Covid-19. The German Institute for Human Rights urges governments on the national and federal levels to adopt a consistent disability mainstreaming strategy and to consult with civil society organizations regarding response strategies. The German Institute for Human Rights participated at a side event ("From Europe and beyond - Global Perspectives on the Draft Additional Protocol to the Oviedo Convention" organized by Mental Health Europe and Validity Foundation) of the 14th Conference of State Parties to the UN CRPD. In its statement the German Institute for Human Rights elaborated that the additional protocol to Oviedo Convention may lower existing human rights standards in mental health and elderly care and increase the involuntary confinement of persons with disabilities and elderly persons. The German Institute for Human Rights has also published a press release, calling the German government to vote no regarding its adoption by the Committee on Bioethics of the Council of Europe. See the details **here**.

## Ireland

The Irish Human Rights and Equality Commission's (IHREC) Disability Advisory Committee met twice in the second Quarter of 2021 to discuss disability hate crime, allegations that Ireland's Department of Health has been collecting information on children with autism who are involved in legal challenges with the State for access to basic services, issues relating to the UN CRPD Article 6 in dialogue with repre-



representatives of Disabled Women Ireland, and priority disability rights issues to be considered in the Commission's next strategic plan, which is currently being developed and will run for the period 2022-2024. In June, [IHREC met with Ireland's parliamentary committee on Disability Matters](#) and raised concerns about growing delays in Ireland's UN CRPD implementation and reporting, and recommended urgent action to progress ratification of the **Optional Protocol**. A new Commission-supported research report [Monitoring Decent Work in Ireland](#) was published, which identifies six key dimensions of decent work: access to work; adequate earnings; employee voice; security and stability of work; equality of opportunity and treatment in employment; and health and safety. The Commission also published its [Submission to the Third Universal Periodic Review Cycle for Ireland](#) and made a [submission to the parliamentary committee on Justice to discuss COVID-19 and Civil Liberties](#). See the details [here](#).

## Northern Ireland

The Equality Commission (ECNI) and the NI Human Rights Commission (NIHRC) have a specific role in promoting, protecting and monitoring the implementation of the UN CRPD in Northern Ireland. Jointly working as the Independent Mechanism in Northern Ireland (IMNI) they undertake this role as part of the UK-wide Independent Mechanism (UKIM). Reflecting the good practice set out within the UN CRPD Committee's General Comment No 7 and discussions with disabled people and their representative orga-

nizations, IMNI has established an IMNI Disability Forum, which aims to provide a dedicated space to ensure disabled people and their representative organizations are at the core of IMNI's work in promoting, protecting and monitoring the implementation of the UN CRPD in Northern Ireland. The IMNI Disability Forum consists of members from Disabled Persons Organizations (DPOs), representative organizations, and individual persons with disabilities or their caregivers, to advise and assist IMNI to deliver its Article 33 independent monitoring role. The Forum will also inform wider engagement to support and challenge Government to give effect to the UN CRPD in Northern Ireland. The Forum at present involves 11 people from representative organizations and individuals with disabilities, alongside the Equality Commission for NI and the NI Human Rights Commission. IMNI exists to promote, protect and monitor the implementation of the UN CRPD. The interests of people with a wide range of disabilities, including children and older people, are represented on the new Forum. [The First meeting](#) was in March and the second meeting was held in June.

## Scotland

Since the Scottish Parliamentary elections in May, Scottish Human Rights Commission has [written](#) to the new Cabinet Secretaries for COVID-19 Recovery and Health and Social Care to reiterate calls for the forthcoming inquiry into the handling of the pandemic to take a human rights-based approach. The Commission will continue to work with the Scottish Government and partners to ensure the incorporation of the UN CRPD and other international treaties into law, and to highlight the need for a new national care service to be grounded in human rights principles. **The Commission published a [briefing on the human rights implications of introducing COVID-19 status certificates](#)** (also known as vaccine passports), including the implications for people with health conditions. The Commission also [welcomed](#) a recent report by the Mental Welfare Commission about the discharge of adults with incapacity from hospitals to care homes during the pandemic, which uncovered practices that may amount to deprivations of liberty.

## Ukraine

On April 29, 2021 Office of the Ukrainian Parliament Commissioner for Human Rights took part in the joint ENNHRI-Equinet webinar on ensuring the rights of persons with disabilities. Within the framework of the advisory body of the Cabinet of Ministers of Ukraine - the Accessibility Council - proposals and comments were provided for the preparation of the draft National Strategy for the Creation of Barrier-Free Space in Ukraine for the period up to 2030. **14 monitoring visits to public receptions of central and local authorities were conducted in order to assess the state of accessibility for people with disabilities and other low-mobility groups.** Following media monitoring, three initiative requests were sent to local authorities to ensure the accessibility of people with disabilities (other low-mobility groups) and their accessibility rights have been restored. Three appeals of citizens concerning discrimination on the grounds of disability were processed by the Commissioner. See the details [here](#).

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

In May 2021, **the Deputy Public Defender of Georgia and the Chair of the ENNHRI CRPD Working group participated in the [international online webinar](#) organized by UN Human Rights Office of the High Commissioner on Mental Health and COVID-19.** Expert members of the United Nations Human Rights Treaty Bodies and experts from the Europe region with specific expertise in mental health, including from EU member States, EU institutions, civil society organizations, practitioners, members of academia, and UN entities participated in the webinar. On behalf of the ENNHRI, the chair of the WG shared experience of both - the Public Defender of Georgia and ENNHRI CRPD WG - in addressing mental health (including in the context of COVID-19) and talked about lessons learned and recommendations developed based on the work of WG on mental health and COVID-19.

4th Edition of ENNHRI CRPD WG quarterly newsletter **[“Going Forward – Planning More Inclusive Future for Persons with Disabilities”](#)** had been issued during the reporting period. The newsletter covers information about the work of ENNHRI CRPD WG members and observers in the field of the rights of persons with

disabilities and summarizes the work of the relevant international and regional networks/organizations in the first quarter of 2021.

*“[...]The coercive approach to mental health is doing harm to people with disabilities and we should not go backwards to authorize this outdated approach. People with psychosocial disabilities have the right to live in the community and to refuse medical treatment. [...]”*

### STATEMENT OF UN EXPERTS THAT ON COUNCIL OF EUROPE TO STOP LEGISLATION FOR COERCIVE MENTAL HEALTH MEASURES

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

Regional and international actors have continued to actively work towards the protection and promotion of the rights of persons with disabilities. Various documents were adopted and guidelines developed.

## United Nations

UN human rights experts [called upon](#) the Council of Europe to withdraw the draft Additional Protocol to the Oviedo Convention. This Additional Protocol maintains an approach to mental health policy and practice that is based on coercion, which is incompatible with contemporary human rights principles and standards. The statement underlined that evidence shows that forced admissions to medical institutions and coercive treatments in institutions will bring harmful effects such as pain, trauma, humiliation, shame, stigmatization and fear to people with psychosocial disabilities. The statement calls upon State delegations to object draft Additional Protocol and urges the Council of Europe to end legitimizing forced institutionalization and the use of coercion against persons with disabilities, including older persons with disabilities.

## Mental Health Europe

[joined and endorsed the policy recommendations](#) made by the Consortium on Refugees' and Migrants' Mental Health (CoReMH). A few months ago the European Commission launched and proposed New Pact of Asylum and Migration. One of the building blocks of the pact is a compulsory screening of new arrivals at the external borders, as well as people apprehended within the EU territory. The proposals aim

to swiftly refer arrivals towards the applicable procedure, including identifying persons who are unlikely to receive protection in the EU at the earliest stage possible. For CoReMH, the proposed screening regulation is a primary point of concern since it contains potential risks for human rights and mental health challenges of migrants.

## Resources

**UN Committee on the Rights of Persons with Disabilities** held online regional consultation “From isolation, invisibility and segregation into inclusion of persons with disabilities in the community”. Identifying and overcoming barriers to the successful process of deinstitutionalization for countries of the European Union, other Western European countries and other States. Concerns raised and the recommendations made by participants are accessible [here](#).

**EDF** published documents concerning disability rights in the second quarter of 2021:

- [Position paper on hate speech and hate crime against persons with disabilities](#) highlights that persons with disabilities are at higher risk of being victims of hate speech and hate crime, however, disability-related hate speech and hate crime are not recognized and sanctioned as such by all EU Member States and in EU law. **EDF encourages organizations of persons with disabilities and individuals to participate to raise the specific issues faced by persons with disabilities.**
- [Position paper on violence against women and girls with disabilities](#) calls on the European Union to urgently **adopt measures to prevent, prohibit and condemn violence against women and girls in all their diversity.** Women and girls with disabilities continue to face multiple and intersectional discrimination in all areas of life, and are more at risk to face violence, abuses and harmful practices.
- [EDF-IDDC Analysis on European Disability Rights Strategy External Action](#) welcomes the new EU Disability Rights Strategy and its recognition of the importance of disability inclusion in all external actions. It details how to ensure participation of organizations of persons with disabilities (DPOs) in implementation and monitoring of the Strategy, including in

EU delegations, as well as providing additional recommendations that include the need for full accessibility at all levels, disaggregation of data by disability, investment in training, consistent use of the Organization for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) disability policy marker and development of an effective External Action Plan on Disability.

- [EDF analysis of published recast of Rail Passengers’ Rights Regulation](#) explains in detail the changes that were adopted in the revised Regulation and how they will affect persons with disabilities once the text enters into force in 2023.

**WHO** launched the [Quality Rights guidance](#) and technical packages on community mental health services, calling for an end to coercion and a shift to human rights-based support. The WHO Guidance on community mental health services: Promoting person-centered and rights-based approaches is a set of publications that provides information and support to all stakeholders who wish to develop or transform their mental health system and services to align with international human rights standards including the UN Convention on the Rights of Persons with Disabilities.

**EU** published [European comparative data on Europe 2020 and persons with disabilities](#), which covers labor market, education, poverty and health analysis and trends. The data is collected and analyzed to understand and illustrate the situation of people with disabilities in Europe. This statistical analysis could be used as an instrument to monitor the effectiveness of national and European policies, assess the situation of persons with and without disabilities and identify areas where the gap between persons with and without disabilities is decreasing (or increasing).

**Mental Health Europe** launched a [new resource](#) to help people who come into contact with the mental health system to be active participants rather than passive recipients of care. A Short Guide to ending coercion and restraint in mental health services follows on from A Guide to Psychiatric Drugs and is the fourth publication in a series of short guides. These series aims to

help people who have personal contact with the mental health system to stay better informed. The short guide also connects with the current developments in the Council of Europe, and the #WithdrawOviedo campaign, regarding the draft additional protocol to the Oviedo Convention.

**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](mailto:nberishvili@ombudsman.ge)