

ENNHRI CRPD WORKING GROUP NEWSLETTER

OCTOBER-DECEMBER 2021 / **ISSUE VII**

Living with COVID-19 and Persons with
Disabilities



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Dear Reader,

We are happy to share with you the VII Newsletter of ENNHRI's CRPD Working Group. It is the first newsletter in 2022 covering October 2021 through December 2021 and encompasses information in relation to CRPD WG members', observers' and other relevant international and regional actors' work on the rights of persons with disabilities.

2021 had undoubtedly been challenging for all of us and especially for persons with disabilities, but it also demonstrated the critical role of NHRIs in safeguarding the rights of persons with disabilities, perhaps more than ever. Acknowledging the important role of NHRIs, ENNHRI CRPD WG continues to work actively for the promotion and protection of the rights of persons with disabilities in the region and at the national level, based on the human rights approach to a disability during COVID-19 pandemic.

During almost 2 years of the world pandemic, persons with disabilities were affected not just by the pandemic itself but more so by the social and economic impact deriving from restrictive measures put in place to control its spread. Increased violation of the rights of persons with disabilities resulting from the pandemic situation, made ENNHRI CRPD WG more united in its approaches and activities. COVID-19 will persist into the near future and all of us should get used to it and adjust our activities accordingly. Most importantly, we should not stop fighting for the promotion and protection of the rights of persons with disabilities and this should be the main driving force for all of us.

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 and observers of ENNHRI CRPD WG and to the ENNHRI Secretariat for their active contribution to this Newsletter.

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

The Institution of the People's Advocate in Albania has continued to prioritize the protection of the rights of persons with disabilities. The Institution has sent their comments and suggestions to the Committee on Labor, Social Affairs, and Health of the Albanian Parliament. The Institute also participated in the hearings on the 2022 draft budget of the Republic of Albania for people in need, including people with disabilities. During the hearing the Institution highlighted the lack of livelihood of persons with disabilities, which exposes these families to extreme poverty.

During October 2021, inspections continued in several other cities in Albania for accessibility to the infrastructure of persons with disabilities in state institutions where services are provided to citizens.

Following the inspections, in December 2021, to some state institutions at the central and local level, relevant recommendations have been drafted in taking immediate measures to ensure the relevant infrastructure, according to the standards of suitability requirements and guarantee the inclusion of persons with disabilities in the discussion process. See more details [here](#).

Azerbaijan

The Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan (HRCA) **conducted monitoring visits without prior notice, at the Republican Special Boarding School No. 5 for children with disabilities based on their health condition** within the frame of the Child Rights Month-long Campaign which ran between 20 October and 20 November. During the monitoring visit, it was found that there was a lack of textbooks for upper classes printed in Braille and the psychological service for children should be improved.

NPG members also visited the Republican Special Boarding School for Children with Disabilities No.3. The monitoring revealed that some classrooms, dorms, and other areas were not heated despite the cold outdoor temperature.



In addition to that, on 3 December, the Azerbaijan Union of Disabled People's Organization organized a conference entitled "Decent work for everyone – leave no one behind". At this event the representative of the Ombudsman Institution informed the participants about the labor rights of persons with disabilities, and directions of cooperation of the Ombudsman with the persons with disabilities. The representative of the Ombudsman Institution also outlined the recommendations formulated by the Ombudsman in relation to the social integration of the persons with disabilities and creating work opportunities and inclusive and favorable working environment by the employers, which were indicated in the Ombudsman's Annual Reports and requests to the corresponding state bodies. See more details [here](#).

Bosnia and Herzegovina

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (IHROBiH) **drafted the Special Report on the Efficiency of Legal Solutions for Professional Rehabilitation and Employment of Persons with Disabilities**, with a view to assessing the current situation in the given field in Bosnia and Herzegovina.

The results of the research conducted for the needs of drafting the Special Report on the Efficiency of Legal Solutions for Professional Rehabilitation and Employment of Persons with Disabilities in Bosnia and Herzegovina demonstrated that persons with disabilities faced disability discrimination in both employment and the workplace. On the other hand, employers are often prejudiced against persons with disabilities, believing that due to their disability they

will not be able to tackle work assignments. IHROBiH sent recommendations to the relevant authorities, whose implementation should result in the unconditional application of international standards and the establishment of a legislative and institutional system for exercising and protecting the right to work of persons with disabilities. See more details [here](#).

Bulgaria

The Ombudsman of the Republic of Bulgaria took position on a persisting problem with the accessibility of the public services' infrastructure – namely the regional offices of the Social Assistance Directorates. Based on an escalating number of complaints, the Ombudsman sent a reasoned opinion to the Minister of Labor and Social Policy. The opinion put an emphasis on the fact that social services play the special functions of social workers and their effective functioning is crucial for people with disabilities and for their ability to compensate for disability-related deficits and lead independent lives.

The first meeting of the Monitoring Council after the transfer of the administrative functions to the Commission for Protection against Discrimination (CPD) was held on 15.10.2021. The Commission for Protection against Discrimination provided information in connection with its campaign named "Accessible Bulgaria". The initiative aims to ensure the right of accessible environment for people with disabilities to various buildings of public importance. Within the framework of the Commission's powers, dozens of cases have been opened for violations of anti-discrimination legislation and fines have been imposed for non-compliance with established obligations.

The Ombudsman of the Republic of Bulgaria **continues to closely monitor the problem with the reception of citizens wishing to appear before the bodies of medical expertise when infected with COVID-19**. A new case was open upon the submission of dozens of complaints from citizens with disabilities, especially in connection with the organization of work of the Regional Health Inspectorate in Stara Zagora. In their complaints, citizens with disabilities describe the difficulties encountered in the processes of certification and re-certification. People with serious illnesses and reduced mobility are forced to wait for hours outside of the inspectorate premises at low temperatures, without even being given the basic op-

portunity to sit down. The complaints state that the officers of the Health Inspectorate did not look for a way to find a solution to the critical situation, for instance to extend the reception time, in order to serve all those waiting. See more details [here](#).

Cyprus

The Commissioner for Administration and the Protection of Human Rights, in view of the 30th anniversary of the introduction of the Institution of the Commissioner of Administration in the Republic of Cyprus, **organized an awareness campaign of Information Campaigns for Human Rights**. The campaign began on December 3, 2021, the International Day of Persons with Disabilities, when [a short video/spot was published regarding the rights of persons with disabilities](#).

On October 27, 2021 the Commissioner for Administration and the Protection of Human Rights, under her mandate as an Independent Mechanism for the Promotion, Protection and Monitoring of the Implementation of the UN CRPD and the Association Relatives and friends of people with autism "Mazi" **held an event entitled "Ten years since the ratification of the UN Convention on the Rights of Persons with Disabilities: Challenges and Compliance"**. Interventions regarding the implementation of the rights of persons with disabilities followed by an Officer of the Office of the Commissioner and by the Director of the Department of Social Integration of Persons with Disabilities.

In the second part of the event, the attendees had the opportunity to bring to the attention of the Commissioner and Director of the Department of Social Integration, as well as the Director of Secondary Education, issues that concerned them and questions related to the rights of people with disabilities, as well as the wider framework for the implementation of the provisions of the Convention by the State. [See also: Ten years since the ratification of the UN Convention on the Rights of Persons with Disabilities: Challenges and Compliance](#). See more details [here](#).

Georgia

On October 11, 2021 the Office of Public Defender of Georgia held an online conference - "Delivery of Mental Health Services during COVID-19 pandemic" with the support of the United Nations Development Program (UNDP). The Conference was dedicated to the World Mental Health Day to discuss impact of the COVID-19 pandemic on Mental Health and Persons with mental health problems. See more details [here](#).

On October 15, 2021, the Office of Public Defender, with the support of the UNDP, organised another online conference on Implementation of Social Rehabilitation and Child Care State Programmes in Georgia. Effectiveness of Targeted programmes for children and persons with disabilities and the challenges identified during the implementation of these programmes were discussed at the conference. Within the framework of the White Cane Safety Day, the needs of the blind and persons with visual impairment were particularly emphasized. See more details [here](#).

A mechanisms responsible for the coordination of implementation of the UN CRPD had been created and held its first meeting on December 3. Representative of Public Defender of Georgia attended the opening and shared experience of the work carried out within the frameworks of the mechanism for the monitoring of implementation of the Convention for years.

Representatives of Public Defender of Georgia held overall 29 online meetings with representatives of local self-governing bodies, as well as organizations of persons with disabilities in the regions within the frameworks of popularization of the UNCRPD. Training of all active notaries throughout the country on disability issues, including on service delivery and communication aspects related to different types of disabilities was also organized and held with the engagement of the Office of Public Defender of Georgia.

Representatives of Public Defender of Georgia continue engagement with different state agencies in the working group and workshop formats, including with Central Election Commission, State Employment Support Agency, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia on deinstitutionalization of persons with disabilities, mental health and other issues.

Denmark

In relation to the election to local and regional councils in Denmark in November 2021, the Danish Institute for Human Rights (DIHR) **published a report about the voter turnout among citizens with disabilities**. The report revealed that citizens with mental and physical disabilities are less likely to vote than the rest of the population. In its report, DIHR recommends that the Danish authorities take measures to increase accessibility for persons with disabilities in regard to political participation. See the details [here](#).

In December 2021, DIHR updated 'the Disability Index' (Handicapbarometeret) with new data from 2020. The Disability Index is an ongoing status on equal rights and living conditions for persons with disabilities. The Index displays the situation of persons with disabilities compared to persons without disabilities in relation to ten key areas of life: equality and non-discrimination, violence, accessibility and mobility, freedom and personal integrity, education, health, employment, social protection, and political participation. All ten indicators demonstrate that persons with disabilities are in a disadvantageous position when compared with the rest of the population. In general, the data from the last eight years shows no real progress or slight decline in living conditions for persons with disabilities. See the details [here](#).

Germany

On December 16, 2021 Germany's highest court ruled that disabled people must be protected by legally binding guidelines in case hospitals are forced to introduce a triage system. **The Constitutional Court ordered the legislator to create a legal framework that would prevent disabled people from being unfairly treated in Covid-19 triage cases**. It urged the state to establish a set of criteria to which doctors would have to refer before deciding which patients received lifesaving treatment if intensive care units were overwhelmed and resources were exhausted. The legislature has a duty to act arising from the given risk to life, a highest-ranking right according to the German Constitution, and the postulate of equality. See [Press release of the Court in English](#).

In light of the federal elections in September 2021, the German Institute for Human Rights published a position paper highlighting the key disability rights

issues that need to be addressed in the coming legislative term and calling for greater involvement of people with disabilities and their representative organisations in political decisions. See the [Publication \(in German\)](#).

Ireland

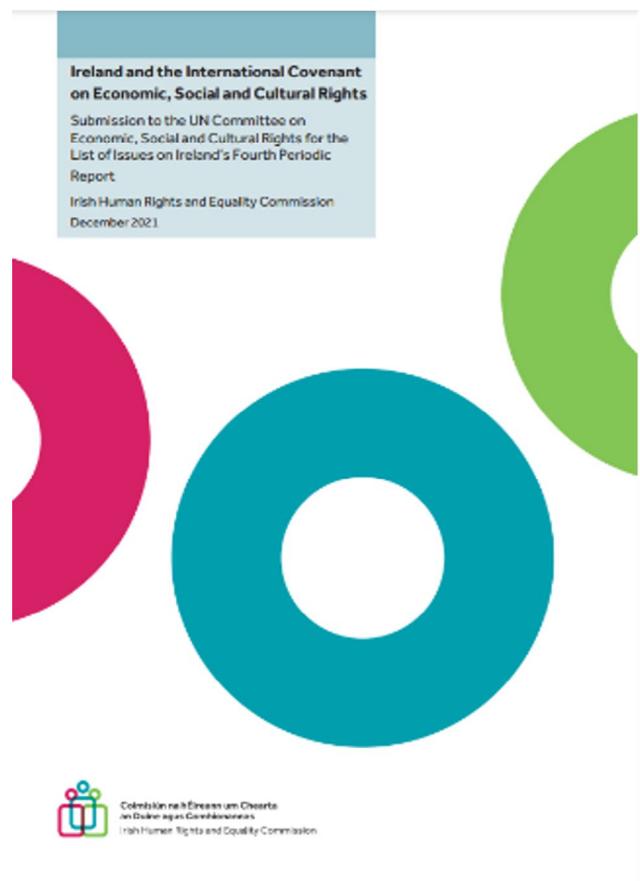
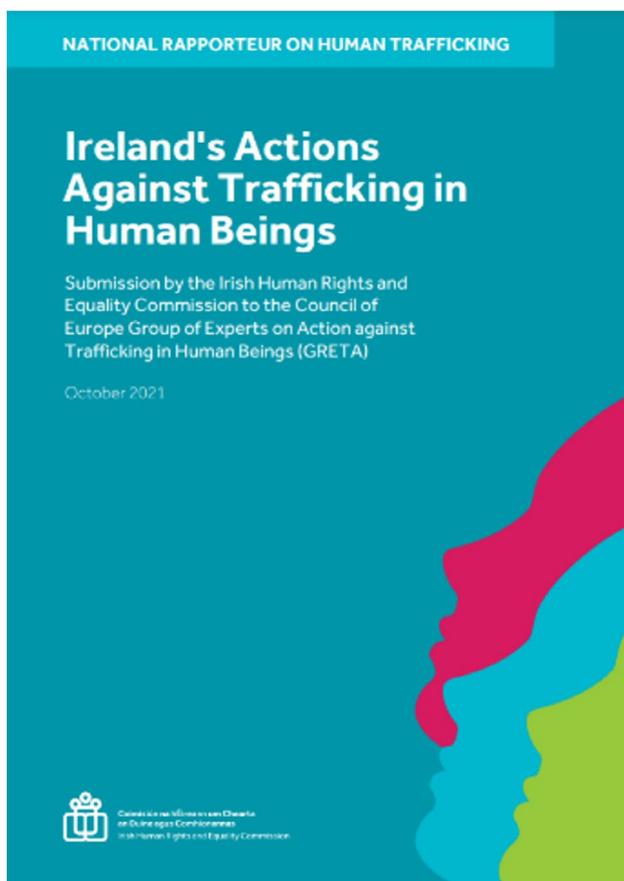
The Irish Human Rights and Equality Commission published its [Observations and Recommendations on the General Scheme of the Criminal Justice \(Exploitation of Children in the Commission of Offences\) Bill 2020](#) in October. The Commission recommended the legislation to consider the rights of disabled victims.

In October, the Commission made a [submission to the Council of Europe Group of Experts on Action against Trafficking in Human Beings \(GRETA\)](#). The Commission recommended that victims of human trafficking be accommodated in gender-specific facilities with access to the necessary supports, noting mental health concerns associated with accommodating victims in shared, mixed-gender facilities.

The Commission was granted leave to exercise its amicus curiae ('friend of the court') function in two disability rights cases, a Court of Appeal [case concerning the disability assessment of need](#), and a [Supreme Court case concerning eligibility for the domiciliary care allowance disability payment](#).

The Commission published the results of its [Human Rights and Equality Poll 2021 in December](#). Almost nine in ten respondents agreed that people with disabilities face barriers in participating fully in society and that more should be done by employers to accommodate employees with disabilities, while one in five reported witnessing or directly experiencing discrimination related to disability. See more details [here](#).

With its [Submission on the Review of the Equality Acts](#) in December, the Commission recommended that: definitions of disability in Irish law be brought into line with the CRPD; the law permitting different rates of remuneration for disabled should be repealed; and reasonable accommodation should be strengthened in law and made available to other equality groups.



The Commission's Disability Advisory Committee met on International Day of Persons with Disabilities, 3 December 2021. The Committee discussed Ireland's anti-discrimination law, participation models, and its activities over the course of its first term 2019-2021.

Latvia

On October 2021 the **Ombudsman of the Republic of Latvia organized discussion on accessibility of courts of the Republic of Latvia for people with disabilities**. Representatives of Ministry of Justice, Riga's district court (first level court), Legal Aid Administration, Resource Centre for people with mental disability "Zelda", The Latvian Society of the Blind, and Latvian Association of the Deaf, persons with disabilities organization "Apeirons" participated in discussion. Topics of discussion included - physical accessibility to court buildings, information in alternative ways and forms about court process and during the process. Problems which are caused by video conferences which courts use for people with hearing disabilities. **There is a need to provide sound amplifying devices, text screens and visual information during the court process for people with hearing disabilities**. Additionally process shall be made friendlier and less stressful for people with mental disabilities.

On People with Disability Day the Ombudsman of Latvia, National Library of Latvia and people with disabilities organisation "Apeirons" held online annual award ceremony for people with disabilities and their organisations which have contributed in improving the rights for people with disabilities in Latvia. See a video [here](#).

On People with disability Day the Ombudsman of Latvia organized discussion "People with disabilities and digital solutions. From creator to user." Discussion was moderated by Anna Andersone, NGO "RigaTech-Girls". Company VREACH introduced their virtual reality tool to help children with autism. See more details [here](#).

Netherlands

The Netherlands Institute for Human Rights has recommended the legislature to perform an explicit assessment of draft legislation in light of the UN CRPD

when developing legislation affecting persons with disabilities. The Institute made this recommendation because it found that existing guidelines to assess compliance of draft legislation with treaties were not sufficient to assess draft legislation in light of the UN CRPD. These existing guidelines do not aim to assess whether and how draft legislation contributes to the implementation of the Convention.

For this purpose, **the Institute has recently provided a *Guidance on Draft Legislation and the CRPD in consultation with the focal point ministry and legislative advisers***. The guidance seeks to complement existing guidelines and to make explicit: i) whether and how a legislative proposal may contribute to the implementation of the UN CRPD and/or it relates to persons with disabilities, and ii) if, how and when persons with disabilities and their (representative) organizations have been closely consulted and actively involved, and how their views have been considered. The guidance contains a checklist that is threefold, including general principles, rights and obligations and coordination. The guidance (in Dutch) can be found [here](#).

Serbia

The new Law on the Protector of Citizens was adopted by the National Assembly of the Republic of Serbia in November 2021. **The Protector of Citizens is delegated with new powers and status: Independent Monitoring Mechanism under Article 33 (II) of the UN CRPD and the National Rapporteur on Trafficking in Human Beings** in line with the CoE Convention on Action against Trafficking in Human Beings. In addition, the Protector of Citizens assumes the status of a special body responsible for child rights, while the provision of its NPM function will now be included in the new founding law. Unlike the previous law, the new Law stipulates that the Protector of Citizens shall establish and maintain cooperation with civil society organizations, international organizations and mechanisms for the protection and promotion of human rights.

In accordance with the agreement from the meeting of the working group held in October 2021, the Protector of Citizens submitted to the Ministry of Construction, Transport and Infrastructure proposals on what the Operational Plan for Accessibility should contain. See more details [here](#).

Slovenia

The Human Rights Ombudsman of the Republic of Slovenia (the Ombudsman) looked into various complaints concerning people with disabilities, issued several recommendations to the ministries and other stakeholders, and publicly advocated for the better implementation of the rights of people with disabilities on several occasions.

When handling a complaint, the Ombudsman came across the position of the competent Ministry that the user of personal assistance has to cover all expenses (e.g. transport costs, entrance fees, etc.) when visiting at his request the public places accompanied by a personal assistant. The Ombudsman reminded the Ministry that such a position interferes with the rights of personal assistance users. The Personal Assistance Act states that the right to personal assistance is regulated to enable individuals with long-term physical, mental, intellectual, or sensory impairments to participate fully and effectively in society, have equal opportunities, and have greater independence. According to the Ombudsman, the state must provide funds for the implementation of personal assistance also for the activities mentioned above.

The Ombudsman intervened in the case of a child with special needs who was not provided with free transport by the municipality to a particular educational institution and back. The Ombudsman proposed to the competent Ministry to carry out supervision of the municipality in question and conduct systematic supervision of legal acts by which municipalities decide on the transport of children with special needs.

The Ombudsman issued several press releases and made statements to draw attention to the human rights of persons with disabilities around the International Mental Health Day, on the occasion of the Slovenian Day of Sign Language, World Cerebral Palsy Day, International White Cane Day and International Day of Persons with Disabilities. He also held opening speeches in three events on the subject. See more details [here](#).

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

Building on their cooperation and work with respective members, ENNHRI and Equinet co-hosted a session on the power of narrative at [the 2021 Fundamental Rights Forum](#). Examples from institutions in Estonia, Denmark and Romania – members of Equinet, both institutions, and ENNHRI respectively – illustrated how communication initiatives can tackle equality or human rights challenges and encourage people to act. Claes Amundsen from the Danish Institute for Human Rights gave insight into their “#bus-foreveryone” social media campaign. This resulted from the fact that five out of six public bus companies in Denmark cannot ensure independent travel for passengers in a wheelchair. In the campaign, the testimonies of persons with disabilities who have experienced such inaccessibility took centre stage: those of Aina Boss Budde resonated with audiences in particular. The example demonstrates the value of having people with lived experience of discrimination as campaign messengers and supporting them to speak freely. The results are authentic and relatable human stories that can be as powerful as facts and figures.

On November 10, 2021, ENNHRI CRPD WG with leadership of Georgian NHRI held webinar on “Right to Education of Persons with Disabilities during COVID-19 Pandemic”. The main objective of the event was to exchange experiences and opinions on the best practices and methodology for implementing high-quality inclusive education during the pandemic. The invited speakers shared existing practices, recommendations and lessons learned regarding the implementation of the right to education for persons with disabilities on an equal basis with others, in order to promote their independent living and an opportunity to contribute to society. The webinar brought together NHRIs (members of the ENNHRI CRPD WG), representatives of the UN CRPD Committee, as well as regional organizations working on the rights of persons with disabilities.

On December 3, International Day of Persons with Disabilities was celebrated, which aims to promote rights and well-being of people with disabilities. Ekaterine Skhiladze, Deputy Public Defender of Georgia

and Chair of ENNHRI's CRPD Working Group noted that the pandemic has deepened existing inequalities and made it even harder for persons with disabilities to access quality and inclusive education. This results in higher rates of social exclusion and poverty, hinders their right to employment, and reduces their economic independence. Furthermore, the shift from learning in a physical space to distance learning has posed numerous challenges to delivering quality education for persons with disabilities. See the details [here](#).

On December 8, 2021, an online seminar was held on "Promoting Participation of independent monitoring frameworks, OPDs and CSOs in the work of the UN CRPD Committee during pandemic and beyond". The main objective of the Seminar was to get information about the main aspects and different opportunities of participation in the work of the UN CRPD Committee directly from the Committee member(s). The speakers shared information and best practices regarding their experience in communication with the Committee. The Seminar contributed to facilitating and promoting the work of civil society organizations and organizations of persons with disabilities, as well as independent monitoring mechanisms and NHRIs, to better communicate with the Committee and as a result, achieve meaningful and effective interaction with the international monitoring body of the UN CRPD.

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

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

United Nations

In March 2022 the Committee on the Rights of Persons with Disabilities is holding its 26th session and 15th pre-sessional working group, with the review of the following European countries: Hungary (Concluding Observations), Switzerland (Concluding Observations), European Union (List of Issues Prior to Re-

porting) and Netherlands (List of Issues). See more details [here](#) and [here](#).

You can check the new layout of the [OHCHR's SR Disability](#) and [CRPD Committee](#) homepage.

Two important reports were published by OHCHR:

- New OHCHR Report on Article 31 of the UN CRPD, available at: <[A/HRC/49/60](#)>;
- New OHCHR Report on Mental Health, available at: <[A/HRC/49/29](#)>.

Call for Inputs – The Independent Expert on the enjoyment of all human rights by older persons, Dr. Claudia Mahler, will focus her next report to the Human Rights Council in 2022 on older persons deprived of their liberty. The Independent Expert welcomes any information, reports, legislation or other materials deemed relevant on these issues (will be important for older persons with disabilities). **The Deadline for submission is 1 April.**

Mental Health Europe

MHE received confirmation from the European Commission that it has become a member of Expert Group on Disability – The Disability Platform. This Platform was first introduced in the European Strategy for the Rights of Persons with Disabilities 2021-2030 and launched by the European Commission earlier this year. The Platform replaces the High-Level Group on Disability and will support the implementation of disability strategies at the European and national levels. It will also facilitate cooperation between the Commission, Members, and assist the Commission in the preparation of disability-related initiatives and facilitate the exchange of good practices. See more details [here](#).

On 2 December 2021, MHE Vice-President Kristijan Grđan spoke at this year's conference organised by the European Commission in partnership with the European Disability Forum (EDF).

During the session about health and access to health care for persons with disabilities, he highlighted that mental health laws in countries across Europe unfortunately allow for the discrimination of people with psychosocial disabilities. Europe must prioritise men-

tal health equally as it prioritises physical health. See more details [here](#).

European Disability Forum

EDF welcomes the formal notification by the European Commission to the European standardization organizations and European stakeholder organizations in relation to the development of the Accessibility Act standards. With this, the Commission has published the final draft standardization request for developing harmonized standards in support of the European Accessibility Act (Directive (EU) 2019/882) after consulting relevant stakeholder organizations, including organizations of persons with disabilities.

As part of the consultation leading to the publication of the Commission's draft request, EDF had sent our official position to the European Commission. See more details [here](#).

On December 13, 2021 European Disability Forum celebrated the anniversary of the adoption of the Convention on the Rights of Persons with Disabilities (CRPD) by the United Nations. Adopted in 2006, there was marked 15 years of the first international, legally binding instrument setting minimum standards for rights of persons with disabilities. The principal task of the UN CRPD Committee is the review of the progress in implementation of the Convention. States Parties are obliged to submit to the Committee reports on measures taken to implement the Convention two years after the entry into force of the Convention.

The Committee also adopts documents called "General Comments" to explain how the Convention must be understood and applied by States Parties. It is currently working on a General Comment on Work and Employment. See more details [here](#).

Resources

In an increasingly digital and remote working environment, it's important to focus on inclusivity. This guide explores the key aspects of disability in the workplace in depth, providing insight into how inclusive company policies and working styles tend to be (or tend not to be), as well as showcasing key data. We'll also look at what methods companies can use to ensure a more inclusive culture. By making disability inclusion a priority, businesses can help drive motivation, engagement, and talent retention at work. You can check the **complete guide for disability inclusion: "The definitive guide to disability inclusion in the workplace"** at the following [link](#).

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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