

ENNHRI CRPD WORKING GROUP NEWSLETTER

JANUARY-MARCH 2022 / **ISSUE VIII**

Creating Inclusive Environment – From Policy
into Practice



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Dear Reader,

It is with great pleasure that I present to you the VIII Newsletter of ENNHRI's CRPD Working Group. It is the first Newsletter covering 2022. I strongly believe that the hard work of the international community will continue the ongoing trend of positive change this year. Only with joint effort can we overcome challenges and achieve a more sustainable and inclusive future.

The beginning of 2022 brought us hope that COVID-19 pandemic will officially end soon. Unfortunately, 2022 also brought full-fledged armed conflict in Ukraine, which has affected and changed many lives, especially lives of persons with disabilities. In any situation of crisis or conflict, persons with disabilities face disproportionate risk of violence, death, abandonment, and lack of recovery support. Now is the time for unprecedented unity, solidarity, and support for Ukrainian people. Voices of Ukrainian citizens, especially persons with disabilities affected by the conflict should be heard all over the world.

I want to thank everyone who has been involved in the preparation of the Newsletter 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 WG Chair

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

Albania

The People's Advocate organized "Open Day" in several municipalities and met citizens and associations/institutions for persons with disabilities to receive complaints and increase the accessibility of the institution. Monitoring of the implementation of the legal standards of social care services for the residential centers for persons with disabilities was carried out and relevant recommendations were drafted. The recommendations sent in December 2021-January 2022 for taking immediate measures to build infrastructure for people with disabilities have been taken into consideration and appropriate measures are being carried to establish appropriate facilities for persons with mobility and visual impairments. In February 2022 meeting was organized with representatives of the International Federation of Persons with Physical Disability to discuss problems they face in everyday life and strengthen the cooperation with civil society organizations. NHRI continues daily monitoring of online portals and media to identify the problems of people with disabilities and consider other issues. See the details [here](#).

Azerbaijan

The Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan issued 2021 Annual Report on the protection of human rights in the country. The National Preventive Mechanism group members (NPG) held visits in the Female Penal Colony No. 4, as well as the Medical Institution under the Penitentiary Service of the Ministry of Justice. During the visits, private talks were held with prisoners with special needs, whose appeals were listened to in the presence of the NPG doctor member and psychologist, and the appeals of some of them addressed to the Ombudsman were accepted for further investigation. The Commissioner, the Republican Children's Library, National-Heritage Cultural-Historical Research Foundation, as well as "Silent Communication" Sign Language Development Organization have launched

a new project. The project partners organized a presentation of an e-book, which was translated into sign language based on the UN Convention on the Rights of the Child under the motto "We are strong and happy with our rights". The Commissioner spoke at the 4th Congress for People with Special Needs. During the hybrid meeting, the Ombudsman said that complex measures have been taken for ensuring the rights, social protection, and rehabilitation of children with special needs in Azerbaijan. She also highlighted the importance of the adoption at the national level of a specific law on the state care for people with autism and the development of relevant state programs to ensure effective enforcement of that document to overcome some important problems of this category of people in Azerbaijan. See the details [here](#).

Bulgaria

NHRI has made a proposal to amend the draft Law on the State Social Insurance Budget for 2022 to avoid potential damage that people with disabilities using personal assistance may suffer as they may lose the amount of pensions paid for January and February 2022. A proposal was made for an amendment to the draft Law on the State Budget of the Republic of Bulgaria for 2022. The proposal aimed to solve the problem of unfair amounts of monthly financial support under the Law on People with Disabilities. This financial support is paid to people disabled because of military actions with the right to personal assistance and for people with disabilities with inherited pensions. It is proposed to amend Art. 18 of the Personal Income Tax Act, introducing a mechanism on updating tax relief for people with disabilities. The Ombudsman stressed the fact that the support for working people with disabilities under Art. 18 of the Personal Income Tax Act is essential for them and their rights, as it provides them with additional opportunities and means to compensate for deficits caused by disabilities. A significant number of non-governmental organizations, providers of social services to people in vulnerable situations note that after the drastic increase in electricity and gas prices, service providers are facing serious difficulties in meeting emerging costs. It is noted that the situation will seriously affect users of social services over 18 years, for which fees for January 2022 will already be calculated based on the new prices of electricity and natural gas. NHRI made several recommendations to all responsible authorities to resolve the issue. In

connection with the complaints received by the institution regarding the charging of additional fees for connection to the Unified Telephone Number of the National Social Security Institute, the Ombudsman sent an opinion to the manager of the National Social Security Institute (NSSI) emphasizing that the Single Telephone Number is the main channel for citizens to receive information on issues related to social security and it is recommended to resolve the issue. NSSI announced that additional hotline will be open solely for the individual consultations. See the details [here](#).

Finland

The Finnish government is in the process of renewing the Disability Services Act. The government is supposed to present the new Act to the Parliament in the autumn of 2022. The Act is meant to come into effect in January 2023. The key proposals are to include the persons with disabilities better in every phase of the services process; to harmonize the services offered in the disability services act and the intellectual disability services act, to provide some new services; and to include the respiratory paralysis patients in the disability act. The Finnish Human Rights Centre issued a statement about the government proposal on the new Disability Services Act. Even though most of the goals of the proposal are worthwhile, the Human Rights Centre was critical that the Act was in part written in a way that may weaken the subjective rights of persons with disabilities. In addition, the definition of a person with a disability is not entirely consistent with the UN CRPD. Persons who become disabled after the age of 65 are excluded from the Act's scope of application. In April, the CRPD committee gave its first decision concerning Finland. The applicant complained that Finland had discriminated against them as Finland did not provide services that would have made it possible to live independently in their own home. The applicant was denied personal assistance inside their home due to resource criteria that define that a person eligible for personal assistance must have the ability to determine the content of the aid. Since no other service was offered that would have made it possible for the applicant to live independently at home, the committee concluded that the applicant was discriminated against on the grounds of intellectual disability. The committee concluded that Finland has failed to fulfill its obligations under article 19 and article 5 (1) and (2), read alone and in conjunction with article 19 of the UN CRPD Conven-

tion. The UN CRPD Committee gave Finland several recommendations on how to rectify the situation. The Finnish Human Rights Centre will follow how the government implements the recommendations. One chance to implement the general recommendations is during the renewal of the Disability Services Act.

"[...] we must acknowledge the deaf community both as a language minority and a disability constituency. We have a collective duty to ensure that they can be part of our societies on an equal basis with others, free of discrimination. States should recognize national sign languages as official languages, to allow these communities to have equal standing in public debate and to participate in the decisions affecting them – fully empowered to exercise their human rights."

*Deputy High Commissioner for Human Rights,
Ms Nada Al Nashif*

Georgia

On March 23, 2022 Public Defender of Georgia published a [special report](#) "Assessments of the needs of women and girls with disabilities and the state of protection of their rights in Georgia". The report considers the national and international obligations and standards of the Government of Georgia in terms of protection of the rights of women with disabilities in the Country. On March 31, 2022 the Public Defender published an [annual Parliamentary Report for 2021](#), which provides a relevant chapter on the rights and challenges of persons with disabilities. With the support of the UNDP, the Office of Public Defender of Georgia visited 33 soup kitchens, 16 social housing and shelters for homeless families across the country. 25 information meetings on the rights of persons with disabilities were held in 17 municipalities. Special reports will be released on the completed activities of the project. The Office of the Public Defender has been actively working on the implementation of the right to education: the training was provided to school textbook authors on equality issues, including the rights of persons with disabilities in school textbooks; comments and remarks were prepared on the 2022 Inclusive Education Action Plan of the Ministry of Education and Science; relevant opinion has been

prepared to consider the principle of reasonable accommodation in the higher education sector by the state; The Office of the Public Defender prepared comments and opinions on the draft of the Third Periodic Report of Georgia on the Implementation of the International Covenant on Economic, Social and Cultural Rights; The Office of the Public Defender contributed comments/opinions/suggestions on the recommendations prepared by the job subsidy working group (towards the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia). See the details [here](#).

Latvia

The Ombudsman of Latvia submitted [an alternative report](#) to UN CRPD Committee. The Ombudsman of Latvia published research “Roma situation in Latvia.” The research focused on participation and involvement; education, including during COVID-19, Roma language and culture; housing; employment; social support; good practice examples. Unfortunately, among other findings, it was discovered that major part of Roma children study in special education schools. Thus, the Ombudsman recommended Ministry of Education to explore why so many Roma children study in special education schools and how Roma children can learn in these schools, if there are no materials in Roma language, no Roma assistant for teachers and Roma children, most probably, know only Roma language. NHRI took note of National Rehabilitation Centre (NRC) “Vaivari” information on the availability of medical rehabilitation for children during the emergency and found that additional security measures imposed to contain COVID-19 infection disproportionately restrict children’s right to receive medical rehabilitation services. The Ombudsman called on NRC “Vaivari” to review the availability of medical rehabilitation services for children, preventing the situation that services are only available to children with vaccination or recovery certificates or not available at all. The recommendation was implemented. In the end of 2021 people with disabilities NGOs in cooperation with media organized a campaign “Give five” to raise funds for improving accessibility. Around half million euros were received in donations. When NGOs turned to municipalities to help improve accessibility of housing in local municipalities for people with disabilities, many municipalities rejected the help and pointed out that they are not interested in cooperation. NHRI was asked to be

involved to solve the situation. The Ombudsman informed all municipalities that Latvian and international legal norms provide that respect for and enforcement of the rights of people with disabilities is not an option for local governments, but an obligation. Additionally, the Ombudsman requested all municipalities to share information about their rules on how to apply for ensuring accessibility of housing for people with disabilities, how long is the waiting time, if and how accessibility is checked after the renovation and if the employees of municipalities have been trained regarding accessibility. The Ombudsman drafted a report based on the answers received by municipalities. Part of information was sent to people with disabilities NGOs which ensure accessibility through campaign “Give five”, other part of information will be used for other research conducted by the Ombudsman’s Office. The Ombudsman’s Office of Latvia participated in a discussion “Inclusion of a child with additional needs in an educational institution”. In Latvia so far there has been a very different situation and attitude from the staff of educational institutions, as well as parents of other children to children with additional needs, despite the norms that oblige municipal educational institutions to provide children with inclusive education. See the details [here](#).

Slovenia

The HNHRI of Slovenia investigated various complaints concerning people with disabilities, issued several recommendations to the authorities and on several occasions, publicly advocated for the better implementation of the rights of people with disabilities. After detecting the difficulties of parents with extended parental rights and guardians of persons deprived of legal capacity in accessing the web portal for e-Health services, the Ombudsman intervened with authorities. Ombudsman managed to ensure they could now access the portal. The Ombudsman intervened the Ministry of Labor, Family, Social Affairs, and Equal Opportunities regarding the lengthy procedure in case of a complaint against the Centre for Social Work decision. According to the Ministry, the backlog in resolving complaints was due to the COVID-19 pandemic. The Ombudsman also addressed the Ministry of Labor, Family, Social Affairs, and Equal Opportunities regarding the inadequate implementation of the *Krajnc vs Slovenia* judgment of the European Court of Human Rights on the payment of a harmonized amount of invalidity benefit. Re-

garding that matter, the Ombudsman previously also intervened as an amicus curie in the Constitutional Court of Slovenia. Furthermore, the Ombudsman addressed the same Ministry with its opinion that there is no clear and sufficiently simple way to effectively protect the right to respect for your private and family of a person under guardianship when the guardian interferes with them and the institution on which the protection of this right depends (social work center) does not recognize the violation nor responds to it. Representatives of the National Preventive Mechanism visited Dobrna and Radovljica training, work and protection centres, Center for protection and labour Golovec, and institutes for education Logatec and Veržej - expert centres for children and adolescents with emotional and behavioural problems and disorders. Press releases were issued to draw attention to the human rights of persons with disabilities around World Down Syndrome Day and World Braille Day. The Ombudsman, Peter Svetina, has become one of the ambassadors of easy reading. See the details [here](#).

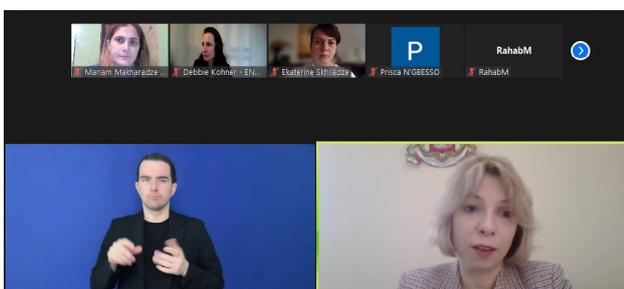
"[...] I encourage States to support the agenda of community inclusion, both to provide persons with disabilities with the support they need to be fully part of their communities and to reduce excessive unpaid care work, which disproportionately impacts women and girls and further entrenches gender inequality. I also call on States to continue supporting persons with disabilities around the world, and to increase their efforts to find concrete solutions to the many challenges they face. This means giving visibility to disability as a human rights issue."

Assistant Secretary General for Human Rights,
Ms. Ilze Brands Kehris

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

On January 20, 2022 the Office of Public Defender of Georgia held an online meeting with CRPD working group members. Ms. Ekaterina Skhiladze, the Deputy Ombudsman of Georgia presented a report on ENNHRI CRPD working group activities in 2021 and an action plan for 2022.

On March 17 Public Defender of Georgia and ENNHRI Secretariat held joint webinar ["Impact of COVID-19 Restrictive Measures on Persons with Disabilities"](#). The main objective of the Webinar was to exchange experiences and opinions on the best practices and methodology for promoting and protecting the rights of persons with disabilities during and after pandemics in the environment of restriction 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

The Human Rights Council [held an interactive dialogue](#) with the Special Rapporteur on the rights of persons with disabilities on artificial intelligence in the context of the rights of persons with disabilities and started an interactive dialogue with the Special Rapporteur on the right to food, on the importance of farmers' seed systems to ensure food systems that were biodiverse, resilient and just. Special Rapporteur on the rights of persons with disabilities, said his report gathered data on risks and opportunities presented by artificial intelligence in the context of the rights of persons with disabilities. In the ensuing discussion, speakers said that it was of utmost importance to bring the issue to the national level for progress of technology to be harvested properly and in order not to leave anyone behind.

The UN Special Rapporteur on the rights of persons with disabilities [conducted an official visit to the European Union from 21 to 31 March 2022](#). The Special Rapporteur traveled to Brussels to meet with high-level representatives and experts at the European Commission, the European Parliament at the European Council, independent human rights bodies, people with disabilities and their representative organizations. The Special Rapporteur welcomed the wide-ranging set of laws and policies that the EU has put in place, covering, among other things, accessibility, protection from discrimination in employment, and draft legislation on harnessing new technology and Artificial Intelligence and avoiding discriminatory impacts. The Special Rapporteur will submit a comprehensive report to the UN Human Rights Council, including the main findings and recommendations from his visit, in March 2023.

The Committee on the Rights of Persons with Disabilities and the Committee on the Rights of the Child [held a panel discussion on the rights of children with disabilities](#). The debate was moderated by a former member of the Committee on the Rights of the Child, Mr. Jorge Cardona, who underscored the intersectionality of the two Conventions in areas that were revolutionary from a human rights perspective.

Equinet

2023 started with the UN CRPD Committee review of the Implementation of the Convention by the European Union. Equinet, together with AGE Platform Europe, Equinox Initiative for Racial Justice, Eurochild, the European Disability Forum (EDF), the European Network Against Racism (ENAR), European Network of Equality Bodies (Equinet), The European Roma Grassroots Organisations (ERGO) Network, the European Youth Forum, Hope and Homes for Children, ILGA-Europe, Lumos, and Transgender Europe (TGEU) submitted [Equality and intersectional discrimination faced by persons with disabilities in the EU: Joint Briefing](#) to inform the [LIO prior to review](#) of the committee. The Committee noted and included questions as regards intersectional discrimination, equality bodies and the horizontal directive.

In March, the Equinet Commissioned report [Expanding the List of Protected Grounds within Anti-Discrimination Law in the EU](#) was published, which explores how the expansion of the list of protected grounds

in anti-discrimination law enhances the effectiveness of the anti-discrimination legal framework and its implementation. Commissioned by Equinet and written by Dr Sarah Ganty and Dr Juan Carlos Benito Sanchez, this report is based off a literature and case law review and a survey and interviews with equality bodies and stakeholders. The report has a specific focus on three types of grounds: socio-economic disadvantage, health status, and gender identity, gender expression, and sex characteristics. Beyond these three focus grounds, the report also discusses briefly genetic heritage, physical appearance, additional or complementary grounds related to racial or ethnic origin, and non-EU nationality. In addition, this report presents important recommendations to equality bodies on the role they can play in the expansion of grounds. The Report was launched in a [Roundtable event](#) at the end of March, which featured the authors of the report, equality bodies sharing their experiences and other speakers such as Olivier De Schutter, UN Special Rapporteur on extreme poverty and human rights; Katarina Ivanković-Knežević, Director, Directorate-General for Employment, Social Affairs and Inclusion, European Commission or MEP Marc Angel, Progressive Alliance of Socialists and Democrats, Co-President of the European Parliament LGBTQ intergroup.

On 23 March, Anne Gaspard (Equinet Co-Director for Network Strategic Engagement) and Jone Elizondo-Urrestarazu (Legal and Policy Officer) had the pleasure of meeting with the UN Special Rapporteur on the rights of persons with disabilities, Gerard Quinn. It was a fruitful meeting discussing the persistent efforts and need of stronger EU anti-discrimination legislation to protect the rights of persons with disabilities, the importance of an intersectional approach and necessary European standards to ensure their effective work.

Mental Health Europe (MHE)

MHE [published its alternative report on the implementation of the United Nations Convention on the Rights of Persons with Disabilities](#) by the European Union (EU). alternative report was produced in cooperation with its members experts on mental health and human rights. It sheds a light on the needs and challenges faced by people with psychosocial disabilities and mental health problems in Europe.

MHE [held a Roundtable](#) with members on 25 March to gather information about the mental health challenges being faced by people fleeing Ukraine (as well as those remaining or unable to leave the country), and those supporting them in the neighboring countries and throughout Europe.

MHE has launched [a new web page](#) gathering resources for some of the significant mental health challenges being faced by people fleeing Ukraine (as well as those remaining or unable to leave the country), especially children and young people, and those supporting them.

European Disability Forum (EDF)

EDF submitted an [alternative report](#) for the second review of the EU by the CRPD Committee. The report is divided into two main parts: the first part analyses the implementation of the Convention in its policy work and the second part looks at the internal implementation of the Convention by the EU as a public administration. For each article, the report lists the main

concerns and provides suggested questions to be addressed in the List of questions prior to reporting.

EDF [launched a campaign](#) to end forced sterilisation of persons with disabilities in Europe. For years the UN has raised concerns about EU countries still authorising or undertaking forced sterilisation, naming Belgium, Croatia, Czechia, France, Germany, Lithuania and Slovakia. On 8th of March, [the European Commission published a proposed law on combatting violence against women and domestic violence](#). This law must prohibit and condemn forced sterilisation.

“Today we witness full scale conflict on European soil. With the escalation of the situation in Ukraine, the European Disability Forum urgently reminds states of their responsibilities to ensure the protection and safety of all persons with disabilities.”

Yannis Vardakastanis
EDF President

Resources

EDF published documents concerning disability rights in the first quarter of 2022:

- [Report on the Role of the European Union funding in supporting deinstitutionalisation around the world;](#)
- [Analysis of the Commission Communication on the New Urban Mobility Framework;](#)
- [Position paper on cancer screening and treatment;](#)
- [Accessible Website Toolkit;](#)
- [Position paper on equality bodies legislation;](#)
- [Position paper on combatting trafficking in persons with disabilities;](#)
- [Position paper on disability rights in civil judicial cooperation;](#)

Mental Health Europe MHE has [updated its reflection paper](#) on access to justice for persons with psychosocial disabilities. The paper includes promising practices on access to justice and legal aid from across Europe. This updated version to the [2020 publication](#) includes also references to the new EU Disability Rights Strategy 2021-2030.

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

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