

ENNHRI CRPD WORKING GROUP NEWSLETTER

FEBRUARY-JUNE 2020 / **ISSUE I**

Rights of Persons
with Disabilities during
COVID-19 and beyond



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Dear reader,

We are very pleased to present to you the first issue of ENNHRI CRPD Working Group (WG) Newsletter. The Newsletter encompasses information in relation to CRPD WG members' and other relevant international and regional actors' work on the rights of persons with disabilities, who are observers to the WG.

In order to facilitate NHRIs' work in different areas, ENNHRI has established working groups, including CRPD WG, which brings together over 30 ENNHRI Members. The ENNHRI CRPD WG acts as a hub of experts in this area and at the same time, serves as an excellent platform to exchange knowledge, good practices and challenges that NHRIs face when working on the rights of persons with disabilities. Currently, Georgian NHRI – Office of Public Defender of Georgia is the Chair of the WG.

In order to further strengthen our capacities in a joint effort to advance the rights of persons with disabilities, Georgian Public Defender's Office, as a chair of the CRPD WG has come up with several ideas, which we will implement together with you in the near future. Initially, we would like to propose a Newsletter, which we think will be an exceptional opportunity to get acquainted with all important information and updates in this field and simultaneously assist all of us in having a comprehensive picture as to where we stand and which direction to aim for.

Since the work of the NHRIs is even more crucial during the health crisis like this, the main focus of the first issue will be the rights of persons with disabilities during COVID-19 – activities of the CRPD WG members and various international and regional networks and organizations.

Let me underline that the ENNHRI CRPD WG has been working actively in this direction and held several online meetings discussing the impact of COVID-19 on the rights of persons with disabilities, exchanging information and practices and coordinating future work. ENNHRI CRPD WG also held a meeting with EU CRPD Monitoring Framework to discuss a review of the EU CRPD implementation by the UN CRPD Committee. The broad participation and exchange during the web meetings have proven the value in continuing with the collaboration process between NHRIs and partners in this field.

I would like to extend my gratitude for your active contributions. Without your willingness and dedication, this Newsletter would not have been possible.

We do hope that you find this newsletter informative and helpful.

Sincerely,

Ekaterine Skhiladze

Deputy Public Defender of Georgia

ENNHRI CRPD Working Group (WG) Chair

COVID-19 Updates – ENNHRI CRPD WG Members and Observers Work on COVID-19 and the Rights of Persons with Disabilities

Albania

People's Advocate has initiated a number of cases to assist persons with disabilities during the pandemic. Following complaints about the living conditions of persons with disabilities, the People's Advocate recommended to the responsible institutions and municipalities to take measures to provide assistance and economic support to them. In addition to that, the People's Advocate emphasized the need to provide additional assistance to Roma and the Egyptian community, including persons with disabilities of these communities. People's Advocate also encouraged the use of sign language in official public communications to make information more accessible. See [here](#).

Azerbaijan

From the first days of the COVID-19 outbreak in the country upon the instruction of the Human Rights Commissioner of Azerbaijan (HRCA) the members of the National Preventive Group conducted monitoring visits and made necessary recommendations. The HRCA also issued a statement on the protection of the rights of persons with disabilities addressed

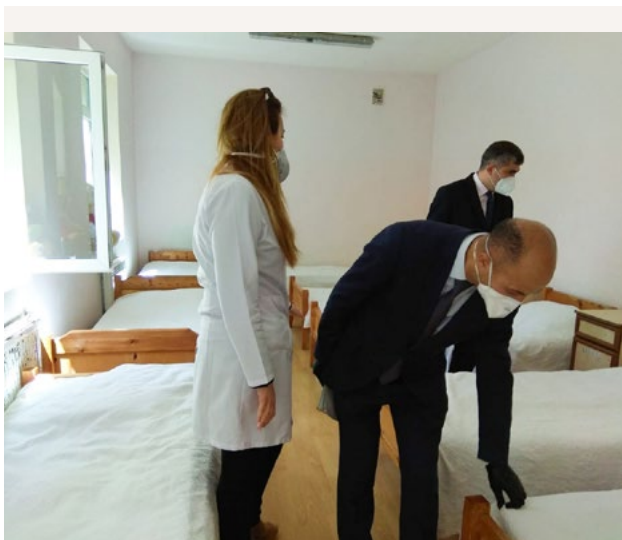
to the relevant governmental bodies as well as the private sector to pay special attention to ensuring their urgent needs. Not to hinder its work during the COVID-19 pandemic HRCA receives complaints via post, online, e-mail, fax, 24/7 hotline, Facebook and Twitter. See [here](#).

Belgium

UNIA - Interfederal Centre for Equal Opportunities and Opposition to Racism published a [report](#) on the impact of COVID-19 on persons with disabilities and their families. UNIA surveyed 865 people, including 502 persons with disabilities and 363 family members. Persons with disabilities expressed that they had greater problems in everyday life and difficulty accessing healthcare. Home care was not freely accessible which was challenging for the family members of persons with disabilities. Based on survey responses and individual complaints UNIA issued recommendations for local authorities, ministries and other stakeholders regarding access to supermarkets, accessible information, transportation, access to education and healthcare, etc. UNIA also is a member of federal and regional Government task forces on vulnerable groups and operates internal task force on COVID-19 and human rights. See [here](#).

Bulgaria

Ombudsman of the Republic of Bulgaria together with the CRPD Monitoring Council worked extensively during the outbreak of COVID-19. The Institution issued recommendations to state agencies to adopt appropriate mechanisms to ensure the protection of the rights of persons with disabilities, to make school education accessible for children with disabilities, to exempt from taxes persons with disabilities using social services remotely, etc. It should be noted that following the recommendation persons with disabilities were exempt from the taxes. To ensure effective operation, the Office of the Ombudsman opened hotlines and made public mobile phone numbers of the experts for citizens to communicate with them directly. See [here](#).



Monitoring visit by HRCA



Adapting work to COVID-19

In order to ensure effective protection of the rights of persons with disabilities, NHRIs adapted their work to new conditions, by devising new methodologies for monitoring and data collection, finding new means for communication, providing protective equipment, conducting research, following and promoting guidelines devised by international organizations.

Croatia

Ombudswoman for the Persons with Disabilities issued the number of recommendations throughout the COVID-19. During the first wave of the pandemic, the Ombudswoman addressed the number of state agencies, organizations, service providers and municipalities to adhere to safety regulations and ensure safety and access to information for persons with disabilities and caregivers. The Ombudswoman submitted a request to assess the constitutionality of the amendments made in March 2020 in the Law on Employment and Professional Rehabilitation of the Persons with Disabilities by urgent procedure, enabling that the funds raised from employers for non-compliance with the employment quota of a certain number of persons with disabilities, to be used for purposes other than financing programs and incentives for the employment of persons with disabilities. Ombudswoman also addressed the authorities to reconsider strict restrictions on the freedom of movement for the beneficiaries of care homes. See [here](#).

Cyprus

Office of the Commissioner for Administration and the Protection of Human Rights launched an awareness-raising campaign about COVID-19 and Human rights. [A special website](#) has been created with links to all the necessary information about COVID-19, Commissioner's activities regarding COVID-19 and its impact

on human rights. In March Commissioner within her capacity as NPM [issued a statement](#) containing a list of guidelines and specific recommendations, in accordance with the CPT's Statement of Principles relating to the treatment of persons deprived of their liberty in the context of the COVID-19 pandemic, including persons with mental disabilities who stay in psychiatric clinics. In April [own initiative intervention](#) was issued in a capacity as a CRPD monitoring mechanism, regarding access to COVID-19 information for persons with disabilities. See [here](#).

Georgia

From the very beginning of the COVID-19 pandemic the Public Defender of Georgia [has stressed the need](#) to make information accessible to vulnerable groups. Public Defender also [applied to the relevant state agencies](#) to ensure the protection of the rights of persons with disabilities with recommendations concerning distance learning, accessibility of information, continuity of disability targeted rehabilitation programs, preventive measures in 24-hour daily care houses, etc. Public Defender also [addressed the government](#) to include sufficient social protection for persons with disabilities in the Anti-Crisis Economic Plan. Additionally, [Public Defender organized an Online Conference](#) concerning continuity of disability targeted rehabilitation programmes during the COVID-19 pandemic. See [here](#).



Monitoring Visit by the Office of Public Defender of Georgia

Ireland

The Disability Advisory Committee (DAC) of the Irish Human Rights and Equality Commission met three times in the first half of 2020 to consider the impact of the COVID-19 on disability rights. Informed by the insights of the DAC, the Chair of the DAC and Commission member Dr. Frank Conaty authored [an opinion piece on the impact of COVID-19](#) on disability rights. The piece outlined the immediate concerns regarding disability rights during the pandemic and long-term concerns about the potential for the crisis to lead to a permanent erosion of rights for persons with disabilities. In July 2020, the Commission published its [Observations on National Guidance on Prioritisation in Access to Critical Care in a Pandemic](#). See [here](#).



Reporting on COVID-19

During COVID-19 pandemic NHRIs collected data and published a number of reports on the situation of rights of persons with disabilities. Reports emphasized challenges persons with disabilities face during the pandemic, highlighted results of monitoring visits to care homes and other institutions and analyzed State action in terms of compatibility with the international human rights standards.

advice for medical professionals, in order to ensure this guidance explicitly references and adheres to human rights standards and is currently producing a briefing which sets out the issues arising in Scotland's care homes. See [here](#).

Serbia

During the state of emergency (15 March 2020 – 6 May 2020) the Protector of Citizens intensified his activities to monitor the respect for human rights. Five new telephone lines were opened for citizens to be able to contact the NHRI and the Protector of Citizens conducted monitoring visits in different facilities and institutions. Besides, the Protector of Citizens issued a statement emphasizing the status and vulnerability of persons with disabilities during the COVID-19 pandemic and the necessity of issuing curfew passes for them. The Protector of Citizens also looked into various cases concerning home help services, residential social care institutions, collective accommodation establishments, etc. After analyzing the data Serbian NHRI prepared [Special Report on the Activities of the Protector of Citizens during the State of Emergency](#) highlighting the problems that the citizens faced and indicating, inter alia, that it was necessary for the competent authorities to take all the necessary measures and activities in order to improve their work. See [here](#).

Scotland

Scottish Human Rights Commission has been in contact with disabled people's organizations and disabled people in order to monitor the social care issues they are experiencing as a result of the pandemic, such as lack of support, the impact on mental health, digital exclusion, fuel poverty and the lack of meaningful participation in decision-making. In response to emergency legislation, the Commission participated in a scrutiny group with the Scottish Mental Welfare Commission (MWC) on the powers relating to adults with incapacity. The Commission contributed to the Scottish Government's clinical

Ukraine

In response to closing rehabilitation facilities for persons with disabilities during the COVID-19 pandemic, the Ukrainian Parliament Commissioner for Human Rights established the Working Group to combat discrimination against persons with intellectual and mental disabilities on the basis of the Coordinating Council for Non-Discrimination and Gender Equality. The aim of the Working Group is to consolidate the efforts of the authorities to address the rights of persons with disabilities. Additionally, Commissioner requested from the

Prime Minister to take response measures to ensure access of persons with disabilities to rehabilitation services, including amendments to the legislation on lifting quarantine restrictions on daily rehabilitation services for persons with disabilities. See [here](#).

Regional and International Actors Responses to COVID-19 and the Rights of Persons with Disabilities

Regional and international actors have responded rapidly to the COVID-19 challenge. Various documents were adopted and guidelines developed in the first half of 2020.

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“We must act together to slow the spread of the virus and look after each other. This is a time for prudence, not panic. Science, not stigma. Facts, not fear.”

ANTÓNIO GUTERRES
UN Secretary-General

United Nations

Chair of the United Nations Committee on the Rights of Persons with Disabilities, on behalf of the Committee on the Rights of Persons with Disabilities and the Special Envoy of the United Nations Secretary-General on Disability and Accessibility, made [a joint statement on Persons with Disabilities and COVID-19](#) calling on States to take all appropriate measures to ensure access for persons with disabilities to health services and provide persons with disabilities with the same range, quality and standard of health care as provided to other persons, including mental health services. [Committee called on the States parties to the Convention](#) to ensure that they uphold the obligations under the Convention in their immediate response and the aftermath of the COVID-19 pandemic.

The Committee has joint efforts of the OHCHR, UNDP and GANHRI to develop two global strategic resources on the rights of persons with disabilities: 1) a Practical Guide on national independent monitoring mechanisms (IMMs) and 2) a web-based repository on IMMs. The joint project builds on the legal mandate of the CRPD Committee enshrined in [article 33 \(2\)](#) of the UNCRPD on national implementation and monitoring, and the Committee’s [recommendations](#) in this field. The Committee is currently preparing its 23rd Session, to be held online from 17 August to 4 September 2020, and its [14th pre-sessional working group](#) from 7 to 18 September 2020. The Committee is to discuss issues related to the rights of persons with disabilities unfolding during the COVID-19 crisis in plenary during its 23rd Session, and will launch the public process in preparation of a General comment on the rights to work and employment (Article 27).

„By implementing their obligations under the CRPD and fulfilling the commitments in the Sustainable Development Agenda, States will be able to safeguard the rights and well-being of persons with disabilities. In doing so, States should consider the diversity among persons with disabilities, with a particular focus on gender and age, and the situation of persons with disabilities facing deprivation and hardship“.

DANLAMI BASHARU

Chair, UN Committee on the Rights of Persons with Disabilities

MARÍA SOLEDAD CISTERNAS REYES

Special Envoy of the UNSG on Disability and Accessibility

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OHCHR devised [guidance on COVID-19 and the Rights of Persons with Disabilities](#). The guidance discusses the impacts of COVID-19 and presents best practices and key actions States and other stakeholders can take.

The Secretary-General issued a [policy brief on a Disability-Inclusive Response to COVID-19](#) which highlights the impact of COVID19 on persons with disabilities and in doing so, outlines key actions and recommendations to make the response and recovery inclusive of persons with disabilities. While the brief contains specific recommendations focusing on key sectors, it identifies four overarching areas of action that are applicable for all:

- Ensure mainstreaming of disability in all COVID-19 response and recovery together with targeted actions.
- Ensure accessibility of information, facilities, services and programmes in the COVID-19 response and recovery.
- Ensure meaningful consultation with and active participation of persons with disabilities and their representative organizations in all stages of the COVID-19 response and recovery.
- Establish accountability mechanisms to ensure disability inclusion in the COVID-19 response.

Council of Europe

Commissioner for Human Rights of Council of Europe issued a [statement on lessons to be drawn from the ravages of the COVID-19 pandemic in long-term care facilities](#). The statement stresses the importance of effective investigation of the cases that occurred in long-term care facilities and resulted in the death of beneficiaries. Commissioner emphasizes the importance of adequate care for persons with disabilities and older persons and notes that as for the continuing use of residential long-term care institutions to cater for persons with disabilities in many member states, not providing

suitable care is a long-standing violation of human rights and international law as enshrined in the UN Convention on the Rights of Persons with Disabilities.

"Although the ongoing crisis is unprecedented, respect for international human rights standards must be at the heart of state responses to it".

DUNJA MIJATOVIĆ

Council of Europe Commissioner for Human Rights

Commissioner for human rights also made [a statement emphasizing that Persons with disabilities must not be left behind in the response to the COVID-19 pandemic](#). Commissioner stresses the importance of reducing the risks related to the persons with disabilities, namely, disruption to essential support services and calls upon the states to take all necessary actions to address these risks, including if necessary by taking extraordinary measures such as relaxing recruitment procedures; prioritizing core services; providing financial aid to persons with disabilities to make up for additional expenses caused by the situation; and integrating providers of support, including informal support, to persons with disabilities in public emergency planning concerning the provision of personal protective equipment and training.

European Union

EU Agency for Fundamental Rights is collecting and analyzing relevant data and information on the impact for people's fundamental rights of the measures taken by the EU Member States in response to the outbreak of COVID-19 and published bulletins and country studies on the fundamental rights implications. Bulletins emphasize that challenges exist in relation

to people living in nursing and care homes. Confinement measures and bans on visits to institutional settings are crucial for ensuring the right to life and reducing the risk of infection. The EU Member States particularly emphasized the importance of self-isolation and physical distancing measures for older people and persons with disabilities in and outside institutions, given their heightened vulnerability to COVID-19. It is also a challenge that the voice of persons with disabilities remains absent from many crisis response measures. Bulletins underline the important role of civil society organizations, such as the European Disability Forum.

ENNHRI

ENNHRI worked very actively with its members during a pandemic and issued [statement emphasizing the need for human rights in the Covid-19 responses in Europe](#), which included 9 principles states should adhere to when dealing with pandemic. ENNHRI also published [statement regarding the importance of protection of economic and social rights during economic response on COVID-19](#), which

points out that, states must use their maximum available resources to fully realize economic and social rights as expeditiously and effectively as possible and underlines a few points which are especially important. It should be also noted that ENNHRI created special [page](#) on its website to show how NHRIs are responding to the pandemic.

Equinet

Equinet created a specific section on their website regarding **COVID-19**, which includes a [database](#) regarding complaints and actions that national equality bodies have been taking and published blog posts in the [Equality Blog](#) relating to different equality and non-discrimination issues. EDF wrote a blog post regarding '[Persons with disabilities: Locked up in institutions, forgotten by governments](#)'. At the end of June, Equinet published their "[Recommendation for a fair and equal Europe: Rebuilding our societies after COVID-19](#)" to use as a minimum standard based on laws and common European values in the measures to be taken following this pandemic.

CALL FOR REGISTRATION!

Office of the Public Defender of Georgia together with ENNHRI is planning webinar "**On-site Monitoring of the Rights of Persons with Disabilities during COVID-19 Pandemic**". Representatives of international and national institutions will take part in the webinar and share their views on the nature and methodology of the monitoring visits conducted in closed facilities/institutions during the pandemic. Additionally, the invited speakers will share information and best practices regarding safety measures used for protecting monitors, as well as beneficiaries from the spread of the virus. **Webinar will be held on September 23, 14:00 CET. You can register for the event via following [link](#) by September 16.**

Non-COVID-19 related ENNHRI CRPD WG Members' Updates

Bulgaria: Ombudsman of the Republic of Bulgaria presented the first annual report of the Monitoring Council of CRPD to the Bulgarian Parliament as a Chairman of the Council. The Monitoring Council is a new network, which has been established for the implementation of the monitoring of CRPD in Bulgaria in 2019.

Cyprus: Office of the Commissioner for Administration and the Protection of Human Rights published a number of reports in the first half of 2020, namely, [Report on community based house for people with disabilities](#), [Report regarding monitoring visits to Athalassa Mental Hospital](#) and [Report regarding the gap in the assessment of the learning needs of adults with disabilities](#).

Georgia: The Office of Public Defender published 2019 Annual Parliamentary Report on the Situation of Human Rights in Georgia which contains a separate Chapter concerning persons with disabilities. Special Report on the Protection of Women's Sexual and Reproductive Health and Rights in Psychiatric and State Care Institutions was also published. Public Defender has been engaged in the process of making amendments to the draft Law on the Rights of Persons with Disabilities and submitted a proposal to the Parliament of Georgia with relevant recommendations.

Ireland: Irish Human Rights and Equality Commission published its [annual report](#) in July 2020. The disability rights and awareness campaign titled 'All Human, All Equal' has been shortlisted the Purpose Awards 2020 (covering European, Middle East and Africa) in their "Public Sector – best Equality and Inclusion Cause Campaign" category.



Non-COVID-19 related International and European Updates

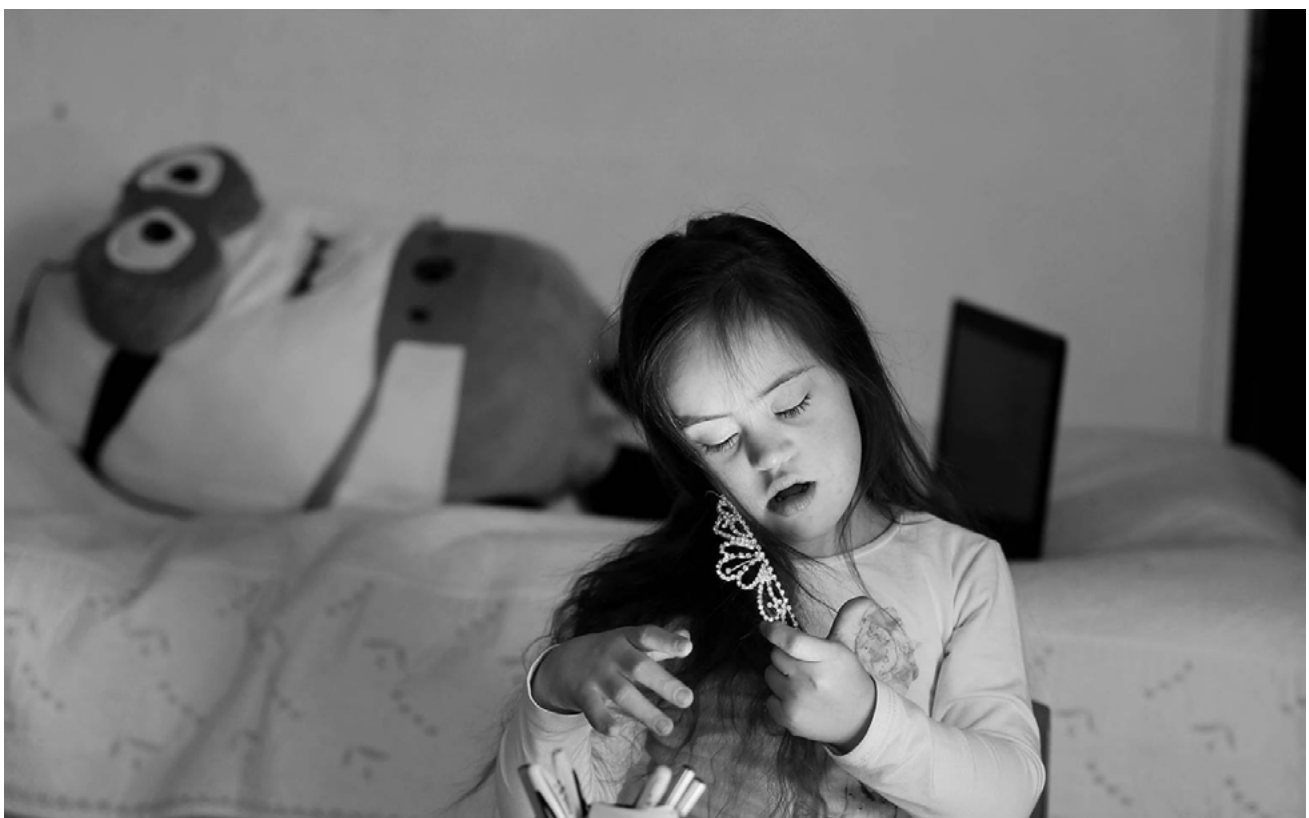
United Nations

UN Human Rights Council adopted the [Resolution on Mental Health and Human Rights](#) on its 43rd Session, urging States, inter alia, to take active steps to fully integrate a human rights perspective into mental health and community services, promote a paradigm shift in mental health, inter alia, in the fields of clinical practice, policy, research, medical education and investment. The Resolution encourages States to support persons with mental health conditions or psychosocial disabilities to empower themselves in order to know and demand their rights and promote their full participation in developing and implementing policies, plans,

laws and services that promote and protect the human rights of persons with mental health conditions or psychosocial disabilities.

On the 44th Session of UN Human Rights Council Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health presented the report on [“Mental Health and Human Rights: Setting a Rights-based Global Agenda”](#), where Special Rapporteur elaborates on the elements that are needed to set a rights-based global agenda for advancing the right to mental health. The Special Rapporteur welcomes international recognition that there is no health without mental health and appreciates the different worldwide initiatives to advance all elements of global mental health, however, he also emphasizes that despite promising trends, there remains a global failure of the status quo to address human rights violations in mental health-care systems.

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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