

Covid-19

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*Covid-19 and the Rights of  
Persons with Disabilities*



*Georgian Young  
Lawyers' Association*

Georgian Young Lawyers' Association

*Covid-19 and the Rights of Persons  
with Disabilities*

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## *Introduction*

The Covid-19 pandemic poses a threat to all members of society, although its consequences reflect on persons with disabilities disproportionately. People who have chronic diseases, health problems, as well as those who need necessary support in their daily lives and/or are in different institutions, are at increased risk.<sup>1</sup>

Protecting the rights of persons with disabilities is a constitutional and international obligation of Georgia. Under the UN Convention on the Rights of Persons with Disabilities, member states shall ensure the protection and safety of persons with disabilities in 'risky situations',<sup>2</sup> which also includes a pandemic. Furthermore, the state shall consider the obligations of the Sustainable Development Goals (SDGs) in its plans to fight Covid-19, so that no one is left behind („Leave no one behind”).<sup>3</sup>

The purpose of this paper is to study the measures taken by the state against the spread of Coronavirus and to analyze the extent to which these measures respond to the challenges faced by persons with disabilities, as well as to international recommendations. Therefore, the document reviews relevant international recommendations and guiding principles issued to ensure the protection of the rights of persons with disabilities during a pandemic. It also provides the experiences of other countries in response to Covid-19 and the best practices of considering the interests of persons with disabilities. At the same time, the government's socio-economic anti-crisis plan and the recommendations of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia have been studied. Besides, the organization conducted interviews with persons with disabilities, parents of children with disabilities, daycare center staff, and CSOs advocating for the interests of persons with disabilities to further identify existing challenges.<sup>4</sup> When developing the document, the assessments, statements, studies, and reports of the Public Defender, as well as local non-governmental organizations, were the sources of additional information.

Based on the above, this paper reveals the challenges that persons with disabilities still face as a result of the pandemic, and develops recommendations for the state.

## *Access to Information*

The Convention on the Rights of Persons with Disabilities guarantees freedom of expression and access to information for persons with disabilities.<sup>5</sup> In a pandemic, this means that they have the right to receive information about Covid-19, country response, restrictions, plans, and proposed services.<sup>6</sup> In this regard, persons with disabilities may face certain obstacles. Access to information is often problematic for individuals with specific communication needs.<sup>7</sup> The state shall ensure that people with disabilities are not socially isolated,<sup>8</sup> moreover, all latest and accurate information related

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<sup>1</sup> OHCHR, COVID-19 and the Rights of Persons with Disabilities: Guidance, (2020), 1. Available at: <https://bit.ly/32tnCDn>, last seen: 10.02.2021.

<sup>2</sup> Article 11 of the Convention on the Rights of Persons with Disabilities.

<sup>3</sup> “Sustainable Development Goals”, United Nations. Available at: <http://bit.ly/3thhrz1>, last seen: 10.02.2021.

<sup>4</sup> In total, 15 respondents; 3 persons with disabilities, 2 parents of disabled children, 3 daycare centers and 7 CSOs advocating for the interest of persons with disabilities.

<sup>5</sup> Article 21 of the Convention on the Rights of Persons with Disabilities.

<sup>6</sup> UN, Policy Brief: A Disability-Inclusive Response to Covid-19, (2020), 2. Available at: <https://bit.ly/3j9MbNx>, last seen: 10.02.2021.

<sup>7</sup> RCCE, Covid-19: How to Include Marginalized and Vulnerable People in Risk Communication and Community Engagement, (2020), 3. Available at: <https://bit.ly/32yGeC7>, last seen: 10.02.2021.

<sup>8</sup> Ibid.

to the pandemic (television, emergency briefings, press, social network, etc.)<sup>9</sup> is equally accessible

to all of them<sup>10</sup> in different formats and using different technologies. In particular:

- Braille and/or large print for people who are blind or have low vision;<sup>11</sup>
- Easy-to-read version for people who have intellectual disabilities;<sup>12</sup>
- Written formats or video with text captioning and/or sign language for people with hearing impairment;<sup>13</sup>
- Internet resources available to those who use assistive technologies.<sup>14</sup>

Paraguay and Panama took these recommendations into account by setting up special systems to spread information about the virus in an accessible format.<sup>15</sup> The example of New Zealand should also be noted. There is a special section on the website of the Ministry of Health, where information is available in a variety of formats, including sign language and an easily accessible format.<sup>16</sup> In the UK, the detailed information on the Coronavirus available in an easy-to-read form, as well as in large print and images, is constantly updated.<sup>17</sup>

At the initial stage of a state of emergency, the Public Defender of Georgia also stressed the importance of spreading information regarding the epidemiological situation, the ongoing situation, the decisions to be taken concerning preventive measures, in an accessible form for persons with disabilities.<sup>18</sup>

The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the National Center for Disease Control and Public Health issued „Recommendations for Persons with Disabilities During the Spread of an Infection (COVID-19) caused by Novel Coronavirus (SARSCoV-2).”<sup>19</sup> This document was drawn up to give recommendations to the government agencies to provide accessible public health information.<sup>20</sup> These recommendations are in line with guidelines developed by the international organizations and the Public Defender.

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<sup>9</sup> WHO, Disability Considerations During the Covid-19 Outbreak, (2020), 5. Available at: <https://bit.ly/3gxnXI>, last seen: 10.02.2021.

<sup>10</sup> Claudia Sulewski, „Covid-19: Who is Protecting the People with Disabilities?” OHCHR, 17 March 2020. Available at: <https://bit.ly/3b3an0a>, last seen: 10.02.2021; UNPRPD, Disability Inclusive Social Protection on Response to Covid-19 Crisis, 1. Available at: <https://bit.ly/365hWTK>, last seen: 10.02.2021.

<sup>11</sup> RCCE, Covid-19: How to Include Marginalized and Vulnerable People in Risk Communication and Community Engagement, 3; UNICEF, Covid-19 Response: Considerations for Children and Adults with Disabilities, 2. Available at: <https://uni.cf/3hA7ZAw>, last seen: 10.02.2021.

<sup>12</sup> UNICEF, Covid-19 Response: Considerations for Children and Adults with Disabilities, 2.

<sup>13</sup> Ibid. RCCE, COVID-19: How to Include Marginalized and Vulnerable People in Risk Communication and Community Engagement, 3.

<sup>14</sup> RCCE, COVID-19: How to Include Marginalized and Vulnerable People in Risk Communication and Community Engagement, 3. UNICEF, COVID-19 Response: Considerations for Children and Adults with Disabilities, 2.

<sup>15</sup> OHCHR, Covid-19 and the Rights of Persons with Disabilities: Guidance, 4.

<sup>16</sup> „COVID-19: Accessible Information“, Ministry of Health of New Zealand. Available at: <https://bit.ly/2FWmalF>, last seen: 10.02.2021.

<sup>17</sup> „Coronavirus – Easy Read and Large Print“, NHS. Available at: <http://bit.ly/3p5YKLV>, last seen: 10.02.2021.

<sup>18</sup> „Statement of the Public Defender of Georgia on the Rights of Persons with Disabilities in Light of Ongoing Events“, Website of the Public Defender of Georgia, 23.03.2020. Available at: <http://bit.ly/3ngdMxX>, last seen: 10.02.2021.

<sup>19</sup> „Recommendations for Persons with Disabilities During the Spread of an Infection (COVID-19) caused by Novel Coronavirus (SARSCoV-2)“ by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the National Center for Disease Control and Public Health, Available at: <https://bit.ly/3nnHd13>, last seen: 10.02.2021.

<sup>20</sup> Ibid.

However, the issue of taking these recommendations into practice could be problematic. According to a report by the Government of Georgia, since March 20, government briefings have been broadcast using sign language,<sup>21</sup> and for the deaf people who do not know sign language, the text of the briefing is uploaded to the government's social media page, right after the briefing.<sup>22</sup> Information is spread through the video sources,<sup>23</sup> also via the hotlines.<sup>24</sup> Furthermore, hotline 112 is equipped with video calling and SMS functions.<sup>25</sup>

The government report says nothing about creating and disseminating information in an easy-to-read format for people with intellectual disabilities. An easy-to-read booklet “What We Need to Know About the New Coronavirus (COVID-19)” was developed with the support of the UNDP,<sup>26</sup> however only after the epidemiological situation was already in its active phase and the country was in a state of emergency. Withal, 10,000 booklets were distributed to only 20 residential institutions of persons with disabilities.<sup>27</sup> This booklet became available online later, on May 13.<sup>28</sup> Access to quality and necessary information for the blind and visually impaired was also problematic.<sup>29</sup>

The majority of respondents stated that the response of the state concerning access to information was not prompt and directed at all groups. Despite the above-mentioned measures taken by the state, respondents felt that information was not largely distributed and adequately accessible for persons with intellectual disabilities:

*“The problem for people with intellectual disabilities is finding information in a language they can understand. It is necessary to find simplified content, but most of these individuals do not have the skills to do so. Moreover, the language of the speakers who talk to the media on a daily basis about the spread of Coronavirus and preventive measures is quite difficult and not understandable to everyone. Besides, the information was not properly and largely disseminated in an easy-to-read format, therefore, it was not accessible.”* – said a representative of the CSO advocating for the interests of persons with disabilities.

*“Providing information only about preventive measures is not sufficient. Adapted information shall be updated, as the epidemiological situation changes. At the initial stage, the state had relatively more efforts to adapt the data, but since then no appropriate steps have been taken to ensure accessibility of information.”* - said a representative of the CSO advocating for the interests of persons with disabilities.

*“Most of the time, information about the spread of the virus and preventive measures was posted up in schools while students were at home, studying remotely. Also, the information was spread through social networks, although many did not have access to the Internet. It was necessary to find other alternative ways”* - said a daycare center representative, parent of a child with disabilities.

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<sup>21</sup> The Government of Georgia, Human Rights Protection During the Covid-19 Crisis (2020), 27. Available at: <https://bit.ly/3ammyqJ>, last seen: 10.02.2021.

<sup>22</sup> Ibid.

<sup>23</sup> Videos spread by the Government of Georgia, See: <https://bit.ly/385Zf1p>, last seen: 10.02.2021.

<sup>24</sup> The Government of Georgia, Human Rights Protection During the Covid-19 Crisis (2020), 27.

<sup>25</sup> Ibid.

<sup>26</sup> „Leaving No One Behind,” UNDP Georgina Website, 17.04.2020. Available at: <http://bit.ly/2KvzGi3>, last seen: 10.02.2021.

<sup>27</sup> Ibid.

<sup>28</sup> „What You Need to Know About the Novel Coronavirus (COVID-19)“, UNDP Georgian website 13.05.2020. Available at: <http://bit.ly/3cDAtbj>, last seen: 10.02.2021.

<sup>29</sup> „International White Cane Day,” the website of the Public Defender of Georgia, 15.10.2020. Available at: <http://bit.ly/3qVjvvh>, last seen: 10.02.2021.

*“Information about preventive measures in psychiatric institutions was not properly disseminated. It was posted up in places inaccessible to patients”* - said a representative of the SCS advocating for the interests of persons with disabilities.

Furthermore, as one of the respondents explained, there was a case when the information about the requirement of wearing a face mask in public transport was not accessible to him/her. Therefore, he/she boarded the bus without a mask, which resulted in discriminatory treatment by the ticket controller.

Thus, the state did provide access to information on the epidemiological situation, decisions made, and preventive measures for persons with disabilities to some extent, but no adequate response has taken place and additional measures are needed.

### *Consultations and Participation in Decision-making Process*

According to international recommendations, the state shall consult with persons with disabilities and relevant organizations, as well as ensure their participation in the decision-making process<sup>30</sup> on actions responding to pandemic at all stages of the fight against Covid-19.<sup>31</sup> The state shall assess and consider the individual needs of persons with disabilities.<sup>32</sup> Particularly, this applies to children with disabilities, women, the elderly, and people with complex support needs.<sup>33</sup> In addition, constant monitoring of their condition<sup>34</sup> and active outreach for getting appropriate feedback shall be ensured.<sup>35</sup>

An example of Canada is notable in this regard. A COVID-19 Disability Advisory Group, consisting of persons with disabilities and their representative organizations, has been established.<sup>36</sup> The aim of the group is to provide relevant advice to the state on specific issues, challenges, systemic deficiencies, strategies and measures to be taken in relation to persons with disabilities.<sup>37</sup> The Advisory Group has developed a guidance document to inform persons with disabilities about the Coronavirus,<sup>38</sup> which has been published on the official website of the Government of Canada.<sup>39</sup>

In Georgia, a special communication platform within the Human Rights Council was established, through which remote meetings were held with the participation of persons with disabilities,

<sup>30</sup> OHCHR, Covid-19 and the Rights of Persons with Disabilities: Guidance, 2; RCCE, COVID-19: How to Include Marginalized and Vulnerable People in Risk Communication and Community Engagement, 3; WHO, Disability Considerations During the Covid-19 Outbreak, 5.

<sup>31</sup> Claudia Sulewski, „Covid-19: Who is Protecting the People with Disabilities?“ OHCHR, 17 March 2020. Available at: <https://bit.ly/3b3an0a>, last seen: 10.02.2021. UN, Policy Brief: A Disability-Inclusive Response to Covid-19, 3.

<sup>32</sup> RCCE, Covid-19: How to Include Marginalized and Vulnerable People in Risk Communication and Community Engagement, 3.

<sup>33</sup> UNPRPD, Disability Inclusive Social Protection Response to Covid-19 Crisis, 2.

<sup>34</sup> OHCHR, Covid-19 and the Rights of Persons with Disabilities: Guidance, 7

<sup>35</sup> RCCE, Covid-19: How to Include Marginalized and Vulnerable People in Risk Communication and Community Engagement, 3.

<sup>36</sup> „Backgrounder: COVID-19 Disability Advisory Group“, Government of Canada, 2020. Available at: <https://bit.ly/3b2hbeo>, last seen: 10.02.2021.

<sup>37</sup> Ibid.

<sup>38</sup> „Resources Related to the COVID-19 Pandemic for persons with disabilities“, The Centre for Research on Work Disability Policy (CRWDP). Available at: <http://bit.ly/2K5BYop>, last seen: 10.02.2021.

<sup>39</sup> „COVID-19 and People with Disabilities in Canada“, Government of Canada, Available at: <http://bit.ly/3r1kUAm>, last seen: 10.02.2021.



local and international organizations, and activists.<sup>40</sup> It should be noted that at the initial stage of the pandemic communication from the state was not sufficient. On April 10, 2020, almost a month and a half after the first cases of Covid-19 were reported in Georgia, organizations advocating for the interest of persons with disabilities addressed the government with a letter.<sup>41</sup> They noted that the rights of persons with disabilities were neglected in the country and called on the authorities to take their interests into account.<sup>42</sup> Albeit, this appeal was not followed by effective steps from the addressee. According to a representative of one of the signatory organizations, after the letter, the communication format between the organizations advocating for the interest of persons with disabilities and the government changed into an electronic correspondence, but not much has been changed.<sup>43</sup>

Furthermore, the Public Defender of Georgia spoke about the lack of sharing problems of persons with disabilities with the state agencies at the online conference held on June 15 - "Targeted Programs for Persons with Disabilities During Pandemic".<sup>44</sup> She also noted that state decisions shall be made on the basis of constant communication with persons with disabilities.<sup>45</sup>

Respondents also pointed out the lack of communication from the state within the framework of the platform. According to them, the meetings were not held frequently, but mainly only upon the need, after the initiatives taken by the organizations. The actions and response of the state to the existing problems were not sufficiently proactive:

*"It was already late to create a platform and organize meetings. If I am not mistaken, the organizations received the first e-mail on March 24, when the virus had already been intensely spreading throughout the country and a state of emergency had been declared. Withal, organizations would provide the state with information about the challenges and the needs of their beneficiaries, but they were left without any response. Such an approach has a negative impact on persons with disabilities. The organizations participating in the meetings studied their problems in advance and brought them to the platform. Consequently, these individuals expected that their issues would be at least partially resolved"* - said a representative of the CSO advocating for the interest of persons with disabilities.

Moreover, one of the respondents stated that they did not receive any information about the meetings. In his/her opinion, it is necessary to share the meeting reports with other organizations, including those who were unable to attend. This issue is particularly noteworthy, as at present only the minutes of one working session are publicly available.<sup>46</sup>

A representative of one of the organizations also spoke about the positive aspects of the meetings. According to him/her, it was through the meetings that they received information about the Covid-adapted hotels. Also, discussions were held on the functioning of daycare centers and this issue was resolved promptly with the help of the platform. The funding of the daycare centers and the salaries for those working in centers for children with autism spectrum disorders continued.

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<sup>40</sup> The Government of Georgia, Human Rights Protection During the Covid-19 Crisis, 29.

<sup>41</sup> Letter of organizations representing persons with disabilities to the prime minister, 2020. Available at: <https://bit.ly/3jl7RVX>, last seen: 10.02.2021.

<sup>42</sup> Ibid.

<sup>43</sup> „More Limited Abilities: the Hidden Effect of COVID-19“, European Foundation Website, available at: <https://bit.ly/3b2fVYI>, last seen: 10.02.2021.

<sup>44</sup> „Online Conference on Targeted Programmes for Persons with Disabilities during Pandemic“, the website of the Public Defender of Georgia, 2:19:13-2:19:45, 15.06.2020. Available at: <http://bit.ly/3rUFqCU>, last seen: 10.02.2021.

<sup>45</sup> Ibid, see. 2:20:31-2:20:36.

<sup>46</sup> „Minutes of the Meeting of the Interagency Working Group on the Rights of Persons with Disabilities“, 10.04.2020. Available at: <https://bit.ly/2JZmpOt>, last seen: 10.02.2021.

Despite some positive results of the meetings, communication by the state with persons with disabilities and community organizations is not sufficiently proactive and efficient. This is evidenced by the fact that on December 4, 2020, NGOs working for the rights of persons with disabilities, including GYLA, addressed the Prime Minister with an open letter.<sup>47</sup> The statement described the difficult situation in the country in this context.<sup>48</sup> Organizations called on the government to strengthen cooperation with the non-governmental sector with regard to consultations and participation in the decision-making process.<sup>49</sup>

### *Right to Health and Access to Medical Services*

According to the UN Convention on the Rights of Persons with Disabilities, persons with disabilities have the right to access the highest available standards of healthcare,<sup>50</sup> which includes many areas amidst the pandemic.

First of all, the states shall develop appropriate protocols to prevent discriminatory treatment of persons with disabilities in terms of access to healthcare during the Covid-19 crisis.<sup>51</sup> Moreover, It is necessary to train healthcare workers,<sup>52</sup> remove financial barriers related to medical services (such as co-financing, etc.)<sup>53</sup> and take appropriate measures to ensure timely access to health services for persons with disabilities (such as transportation to medical establishments and access to sign language translation at hospitals).<sup>54</sup> Besides, priority testing of persons with disabilities is of particular importance.<sup>55</sup> In this regard, an example of Canada should be noted, where priority testing guidelines have been issued.<sup>56</sup> Additionally, according to the UAE National Program, persons with disabilities are being tested at home, and by mid-April, 650,000 tests have already been conducted.<sup>57</sup>

Furthermore, in order to reduce and prevent the negative impact of social distance and isolation regulations, states shall ensure access to mental health and psychosocial assistance mechanisms for persons with disabilities.<sup>58</sup>

The ombudsman also made a statement on these issues, noting that the relevant plans for combating

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<sup>47</sup> „Due to Restrictions, Most Persons with Disabilities are Beyond Service” – NGOs’ open letter to Gakharia, “Publika” website, 04.12.2020. Available at: <http://bit.ly/2W1ISgZ>, last seen: 10.02.2021.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Paragraph 1 of Article 25 of the Convention on the Rights of Persons with Disabilities.

<sup>51</sup> Claudia Sulewski, „Covid-19: Who is Protecting the People with Disabilities?“, OHCHR, 17 March 2020. Available at: <https://bit.ly/3b3an0a>, last seen: 10.02.2021.

<sup>52</sup> OHCHR, Covid-19 and the Rights of Persons with Disabilities: Guidance, 2.

<sup>53</sup> UNPRPD, Disability Inclusive Social Protection Response to Covid-19 Crisis, 1.

<sup>54</sup> UN, Policy Brief: A Disability-Inclusive Response to Covid-19, 10-11.

<sup>55</sup> OHCHR, Covid-19 and the Rights of Persons with Disabilities: Guidance, 2.

<sup>56</sup> Ibid, see: 3.

<sup>57</sup> Ibid, see: 2; „Combating Coronavirus: UAE Launches Home Testing Programme for People of Determination“, Khaleej

<sup>58</sup> UN, Policy Brief: A Disability-Inclusive Response to Covid-19, 11; UNICEF, Covid-19 Response: Considerations for Children and Adults with Disabilities, 3.

the pandemic must take the needs of persons with disabilities into account.<sup>59</sup> This includes access to quarantine zones and medical services.<sup>60</sup>

The state has developed several documents which consider the interests of persons with disabilities in healthcare during a pandemic. The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, and the National Center for Disease Control and Public Health have developed a recommendation, which to a certain extent includes persons with disabilities who have been supposedly exposed to Coronavirus.<sup>61</sup> However, this document addresses non-medical staff serving at facilities where such persons are placed.<sup>62</sup> Besides, “Recommendations for Persons with Disabilities During the Spread of an Infection (COVID-19) caused by Novel Coronavirus (SARSCoV-2)”<sup>63</sup> was issued. This document focuses on the physical accessibility to clinics of persons with disabilities,<sup>64</sup> society's attitudes, and the resulting barriers (for example, social stigma against disabilities and denial of essential (vital) services).<sup>65</sup> The Recommendation also states that persons with disabilities should receive in-home counseling, including their health needs and, if necessary, COVID-19-related services.<sup>66</sup>

Moreover, according to Tamila Barkalaia, a Deputy Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, the Ministry of Health has developed a protocol for persons who have severe or profound mental disabilities. On the basis of this protocol the beneficiary will be placed in quarantine before transferring to a long-term care institution.<sup>67</sup> According to her, there is a response team within the health department, which acts individually in each such case and provides the person in question with a service tailored to his/her needs.<sup>68</sup>

The development of such documents is beneficial, although most of the recommendations are general in nature, there are no specific ways of action and some components necessary for the full realization of the rights of persons with disabilities are missing.

Implementation of recommendations and protocols in practice is another issue. In this regard, it shall be noted that quarantine zones are adapted for persons with disabilities using wheelchairs.<sup>69</sup> However, this is not sufficient as some persons with disabilities need support, which, as the respondents have experienced, have not been provided for by the state. In addition, quarantine zones are not spatially adapted for children and adolescents with behavioral disorders.<sup>70</sup>

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<sup>59</sup> „Public Defender’s Statement on Rights of Persons with Disabilities in Light of Ongoing Developments“, Website of the Public Defender, 23.03.2020. Available at: <http://bit.ly/38S0fY6>, last seen: 10.02.2021.

<sup>60</sup> Ibid.

<sup>61</sup> „Recommendations for Staff Providing Cleaning and Disinfection of the Facilities Where Persons with Disabilities Supposedly Exposed to an Infection (COVID-19) Caused by New Coronavirus (SARSCoV-2) are Allocated, and Daily Household Services (cleaning, food/product distribution-supply) for Isolated People” by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the National Center for Disease Control and Public Health, Available: <https://bit.ly/2KsyYlX>, last seen: 10.02.2021.

<sup>62</sup> Ibid.

<sup>63</sup> „Recommendations for Persons with Disabilities During the Spread of an Infection (COVID-19) caused by Novel Coronavirus (SARSCoV-2)” by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the National Center for Disease Control and Public Health.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> “Minutes of the Meeting of the Interagency Working Group on the Rights of Persons with Disabilities”, 6.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid, see: 5.

<sup>70</sup> Ibid, see: 8.

The beneficiaries placed in the specialized day and night care institutions for the elderly and persons with disabilities are persons subject to compulsory priority testing for Infection (COVID-19) caused by Coronavirus (SARS-CoV-2).<sup>71</sup> Their testing is compulsory as planned, once every 14 days.<sup>72</sup> It should be positively assessed. However, persons with disabilities who do not live in these institutions are left without periodic testing.

Moreover, the lack of training of medical staff in receiving infected persons with disabilities is a serious problem.<sup>73</sup> Respondents also spoke about this issue:

*"I was taken to a medical institution with symptoms of COVID-19. From the moment of arrival, the attitude of the healthcare personnel was problematic, because they asked my father about my symptoms and not me. In addition, there was no support person provided for me. During the night, when I had high fevers, they did not pay proper attention to me. This inattentiveness ended after I wrote a post on social media about such an attitude. It should be noted that the Public Defender has started an examination regarding this case."* - said a person with disabilities and an activist.

*"Our beneficiary disabled child and his/her parent became infected. They called one of the medical institutions and requested to be transferred. However, as they found out that the child had an autistic spectrum, they stated that they could not accept him/her. Later, as a result of the mother's efforts, the hospital changed its position. This attitude is caused by inadequate training of medical staff because they do not know how to approach people with autism spectrum,"* - said a representative of the CSO advocating for the interests of persons with disabilities.

Statements in the media by medical institutions about medical staff getting infected via the patients with mental health problems shows the instances of improper treatment of the infected persons with disabilities by the representative of the healthcare system.<sup>74</sup> The first such statement was made in early April at the Batumi Hospital for Infectious Diseases. The statement was about a 45-year-old nurse who got infected by Coronavirus after taking care of an infected "difficult patient", who had mental health problems.<sup>75</sup> A second comment, according to which three nurses were infected through patients who had "mental problems," was made by Maka Sologashvili, Chairman of the Bochorishvili Clinic Board, on June 9.<sup>76</sup> Such statements by medical institutions have been criticized by human rights organizations protecting the rights of the persons with disabilities and activists.<sup>77</sup> As they argue, such attitude towards the patients with mental health problems contributes to the stigma already existing with regard to these persons.<sup>78</sup>

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<sup>71</sup> "Approval of the List of Priority Persons Subject to Compulsory Testing for Infection (COVID-19) caused by Coronavirus (SARS-CoV-2) and of Procedures for Conducting such Testing" Paragraph 1(T) of Annex of the Decree №975 of the Government of Georgia of 15 June 2020 on the Approval of the List of Priority Persons Subject to Compulsory Testing for Infection (COVID-19) caused by Coronavirus (SARS-CoV-2) and of Procedures for Conducting such Testing. Available at: <http://bit.ly/2LDiO9U>, last seen: 10.02.2021.

<sup>72</sup> Ibid, see: Paragraph 3

<sup>73</sup> „Online Conference on Targeted Programmes for Persons with Disabilities during Pandemic”, the website of the Public Defender of Georgia, Meda Shalamberidze - mother of a person with disabilities, 56:20-56:44, 15.06.2020. Available at: <http://bit.ly/3rUFqCU>, last seen: 10.02.2021.

<sup>74</sup> Nino Tarkhnishvili, "How Covid-patients with Mental Health Problems are Treated", Radio Liberty website, 10.06.2020. Available at: <https://bit.ly/33OEXbB>, last seen: 10.02.2021.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid; Emergency Statement by Coalition "Movement for Change", 09.06.2020. Available at: <http://bit.ly/2Wmpuve>, last seen: 10.02.2021.

<sup>78</sup> Nino Tarkhnishvili, "How Covid-patients with Mental Health Problems are Treated", Radio Liberty website, 10.06.2020. Available at: <https://bit.ly/33OEXbB>, last seen: 10.02.2021; Emergency Statement by Coalition "Movement for Change", 09.06.2020. Available at: <http://bit.ly/2Wmpuve>, last seen: 10.02.2021.

The State has also failed to abolish financial barriers in terms of accessibility to health care.<sup>79</sup>

*"We appealed to the government to abolish co-payment within the universal healthcare program for people with disabilities at least for the quarantine period, but we have not received a response so far. Especially since many have lost their jobs and, in some cases, the amount of co-payment is equal to or greater than the pension provided for people with disabilities,"* - a representative of the CSO advocating for the interest of persons with disabilities.

A significant barrier to access medical services for persons with disabilities was the persistent congestion of the Covid-19 hotline due to the aggravation of the epidemiological situation in the country and, in many cases, the inability to promptly receive emergency services. Therefore, persons with disabilities and parents of children with disabilities had to fight for limited resources and compete for the receipt of Covid-19 treatment.<sup>80</sup> It is to be noted that the state took positive steps to address this issue and established an independent hotline,<sup>81</sup> however, this service can only be used by children with disabilities and their parents.<sup>82</sup> Therefore, adults with disabilities still face the same challenge if the Covid-19 hotline is overloaded.

There was a case when a child with autism spectrum disorder was not allowed to walk to a specific location during the period of restriction of freedom of movement.<sup>83</sup> Due to this restriction, he/she had health problems,<sup>84</sup> which indicates the shortcoming in the measure introduced by the government.

Thus, it is notable that many problems have been identified in terms of the realization of the right to health of persons with disabilities and access to medical services. Therefore, in order to improve the current situation, the state must employ an effective response.

### *Provision of Food, Medications, and Individual Protective Equipment*

Many people with disabilities depend on services that have been suspended. At the same time, they may not have enough money to store food and medicines or to pay extra for home delivery.<sup>85</sup> Therefore, according to international recommendations, it is the responsibility of states to provide people with disabilities with basic food and non-food items during a pandemic,<sup>86</sup> to ensure the supply of essential medicines;<sup>87</sup> also, to set working hours of grocery stores and other essential stores so that it gives people with disabilities the advantage of purchasing during stay-at-home/confinement measures.<sup>88</sup> For example, Panama, undertook such an approach and adopted special priority working

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<sup>79</sup> Letter of public organizations to Prime Minister and Minister of Health, 16.10.2020. Available at: <https://bit.ly/3reUZEY>, last seen: 10.02.2021.

<sup>80</sup> „PHR Calls for a Special Hotline on Covid-19 for People with Disabilities”, website of “Partnership for Human Rights”, 21.11.2020. Available at: <https://www.phr.ge/publication/news/148?lang=eng>, last seen: 10.02.2021.

<sup>81</sup> „What is done to support persons with disabilities“, Website of the Government of Georgia, 03.12.2020. Available at: <http://bit.ly/2LcaJcr>, last seen: 10.02.2021.

<sup>82</sup> Ibid.

<sup>83</sup> "What Problems do Children with Autism Spectrum Problems Face", Partnership for Human Rights- PHR, 28.01.2021. Available at: <https://bit.ly/3csmczM>, last seen: 10.02.2021.

<sup>84</sup> Ibid.

<sup>85</sup> Claudia Sulewski, „Covid-19: Who is Protecting the People with Disabilities?“, OHCHR, 17 March 2020. Available at: <https://bit.ly/3b3an0a>, last seen: 10.02.2021.

<sup>86</sup> WHO, Disability Considerations During the Covid-19 Outbreak, 7; OHCHR, Covid-19 and the Rights of Persons with Disabilities: Guidance, 5.

<sup>87</sup> OHCHR, Covid-19 and the Rights of Persons with Disabilities: Guidance, 2.

<sup>88</sup> Ibid, see: 4.

hours in shops for persons with disabilities and their assistants.<sup>89</sup>

According to the report of government Georgia, during the state of emergency, beneficiaries of specific medicines' programs (including insulin-dependent individuals), as well as persons over 70 years of age and persons with disabilities involved in the state Program of Provision with Medicines for Treatment of Chronic Diseases were provided with medicines (including insulin) at home.<sup>90</sup> Nevertheless, respondents noted that they and/or their beneficiaries faced challenges in obtaining the necessary medications:

*"During the state of emergency, when several cities were closed, one of our beneficiaries, who needed the necessary medicines and food, was in another city. Only once did we obtain permission to supply him/her with food and medicine. Our second request was not approved and the beneficiary was left without the necessary medicines,"* - said a daycare center representative.

*"A person with a disability asked the state to accept old medical records in order to get financing for the medication needed to treat multiple sclerosis since it was necessary to come to the clinic to get a new one, which he/she was physically unable to do due to restrictions. Therefore, He/she was left without the necessary medication."* - said a person with disabilities.

*"We received information from several people with disabilities that they could not get the medication. We addressed the government and the Human Rights Council, however, the quite inactive in this regard. We have not received an answer to this problem so far,"* - said a representative of the CSO advocating for the interest of persons with disabilities.

As for the food provision, the beneficiaries of the State Program of Social Rehabilitation and Child Care were given 80 GEL vouchers for food products from the daycare centers.<sup>91</sup> Additionally, according to the representative of the Mayor of Tbilisi City, during the state of emergency there was a program to help families in crisis, which was jointly implemented by the City Hall and the districts from the donations that they received as humanitarian aid.<sup>92</sup> As a result, they helped and delivered products to several hundred families, which also included persons with disabilities.<sup>93</sup>

Despite the above positive experience, shortcomings were also identified in terms of the food supply. According to a parent of a child with disabilities, not all children with phenylketonuria were provided with vital food supplements.<sup>94</sup> Also, the beneficiaries of several respondents and a respondent with disabilities did not receive support in the form of food and hygiene items. Withal, they did not even have information about such programs.

## ***Financial Support***

The pandemic posed a financial challenge to the majority of society, including people with disabilities and their family members. It is therefore not surprising that international recommendations address this aspect as well.

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<sup>89</sup> Ibid.

<sup>90</sup> The Government of Georgia, Human Rights Protection During the Covid-19 Crisis, 35.

<sup>91</sup> "Agency for State Care and Assistance For the (Statutory) Victims of Human Trafficking Handed Out Food Vouchers up to 2200 Beneficiaries," website of the Agency for State Care and Assistance for the (Statutory) Victims of Human trafficking, 27.04.2020. Available at: <http://bit.ly/37lHvQz>, last seen: 10.02.2021.

<sup>92</sup> „Online Conference on Targeted Programmes for Persons with Disabilities during Pandemic”, the website of the Public Defender of Georgia, 2:0044-2:01:12, 15.06.2020. Available at <http://bit.ly/3rUFqCU>, last seen: 10.02.2021.

<sup>93</sup> Ibid, see: 2:01:13-2:01:35.

<sup>94</sup> Ibid, see: 37:00-37:28.

Improvement of the financial state of people with disabilities firstly requires an increase of benefits,<sup>95</sup> and automatic extensions of such benefits,<sup>96</sup> also, financial support (for instance, through one-time financial assistance, tax benefits, subsidies for goods or other)<sup>97</sup> for people with disabilities without income. Moreover, according to international recommendations, states should also pay financial compensation to family members of persons with disabilities if they have to take an unpaid leave of absence or leave work to care for such persons during a pandemic.<sup>98</sup> It is necessary and important to prioritize the interests of persons with disabilities in the socio-economic response plans of the states.<sup>99</sup>

The experience of Bulgaria, Malta, and Lithuania should be noted. They increased the budget of social security systems to expand social assistance services and help more beneficiaries, including people with disabilities.<sup>100</sup> In Argentina, people with disabilities received a one-time allowance of \$3000.<sup>101</sup> A tax relief program has been adopted in the United States that can be used by people with disabilities and their families.<sup>102</sup>

According to Tea Gvaramadze, a representative of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health, and Social Affairs of Georgia, the issuance of pensions, compensation, social packages, or other benefits were not suspended during the state of emergency, regardless of whether there were grounds for the suspension.<sup>103</sup> In addition, for those who had to soon verify their disability statuses and therefore had to go to the appropriate institution, the existing excerpt from the medical-social examination remained in force.<sup>104</sup> The administration of the targeted social program, one of the priority groups of which includes persons with disabilities, has also been simplified.<sup>105</sup> Discontinued targeted social benefits have been restored and the establishment of new ones has been simplified.<sup>106</sup> As a result, social benefits have been issued in larger quantities.<sup>107</sup> Furthermore, in July 2020, the amount of social package for people with severe disabilities and children with disabilities increased by 30 GEL.<sup>108</sup>

The second stage of the government's anti-crisis plan provided for a total of 600 GEL as direct financial assistance to persons with severe disabilities and children with disabilities.<sup>109</sup> It is notable that persons with significant and moderate disabilities, as well as some children with Down syndrome and autism spectrum disorders (who do not have a disability status due to a shortcoming of the

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<sup>95</sup> OHCHR, Covid-19 and the Rights of Persons with Disabilities: Guidance, 5.

<sup>96</sup> WHO, Disability Considerations During the Covid-19 Outbreak, 5.

<sup>97</sup> OHCHR, Covid-19 and the Rights of Persons with Disabilities: Guidance, 5. Claudia Sulewski, „Covid-19: Who is Protecting the People with Disabilities?“, OHCHR, 17 March 2020. Available at: <https://bit.ly/3b3an0a>, last seen: 10.02.2021.

<sup>98</sup> WHO, Disability Considerations During the Covid-19 Outbreak, 5.

<sup>99</sup> UN, Policy Brief: A Disability-Inclusive Response to Covid-19, 16.

<sup>100</sup> OHCHR, Covid-19 and the Rights of Persons with Disabilities: Guidance, 5.

<sup>101</sup> „Extraordinary Bonus for People with Disabilities Who Receive Non-Contributory Pensions“, National Agency for Disability of Argentina, 2020. Available at: <https://bit.ly/31yfceM>, last seen: 10.02.2021.

<sup>102</sup> „Tax Help for People with Disabilities“, Benefits.gov. Available at: <https://www.benefits.gov/benefit/945>, last seen: 10.02.2021.

<sup>103</sup> „Minutes of the Meeting of the Interagency Working Group on the Rights of Persons with Disabilities“, 2.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid, see: 3.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Decree №381 of the Government of Georgia of June 25, 2020 “On Defining the Social Package” regarding amendment of the Decree №279 of the Government of Georgia of 23 July 2012.

<sup>109</sup> The Government of Georgia, Human Rights Protection During the Covid-19 Crisis, 29.

current assessment model) were left without assistance.<sup>110</sup> Such social policy with regard to persons with disabilities has been criticized by CSOs, including GYLA, as well as by the Public Defender. They called for the government to take effective action.<sup>111</sup> However, the approach of the state for the 4th stage of the anti-crisis plan has not been changed<sup>112</sup> and the above-mentioned persons are still left without any support. It shall be noted that the state did not consider them even in the draft budget for 2021, on the basis of which the age pension is increased.<sup>113</sup> In this regard, persons with disabilities and organizations addressed the government with a letter calling for an increase in the social package.<sup>114</sup>

## *Education*

The Convention on the Rights of Persons with Disabilities guarantees their right to education.<sup>115</sup> In order to exercise this right without discrimination and under equal terms, member states shall ensure the introduction of an inclusive education system and access to lifelong learning.<sup>116</sup>

According to international recommendations, during remote learning, equal access to educational resources shall be ensured. This requires guaranteed access to the Internet, special computer programs, adapted educational and audiovisual materials, and their dissemination through various means (Internet, TV and educational programs, etc.).<sup>117</sup> In addition, States shall provide teacher training to support persons with disabilities in remote learning.<sup>118</sup>

It is also interesting to see other countries' experiences in this regard. In Croatia, the Ministry of Education has developed a recommendation for teaching staff to conduct online lessons in a format adapted for children with disabilities.<sup>119</sup> Finland, South Africa, and the United Kingdom have included students/pupils with disabilities within Covid-19 response activities.<sup>120</sup> Particularly noteworthy is the example of the US, where the Federal Law (Individuals with Disabilities Education Act (IDEA)) ensures access to education for students with special needs.<sup>121</sup> The US Department of Education has developed a guidance document for educational institutions to provide access to

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<sup>110</sup> „Public Defender Considers that the Anti-Crisis Economic Plan does not Properly Address the Needs of Persons with Disabilities,” the website of the Public Defender of Georgia, 05.05.2020. Available at: <http://bit.ly/34iieoq>, last seen: 10.02.2021.

<sup>111</sup> Ibid; „Persons with Disabilities and Organizations Call on the Government to Take Effective Steps”, Georgian Young Lawyers' Association Website, 14.06.2020. Available at: <http://bit.ly/38aQ3sM>, last seen: 10.02.2021.

<sup>112</sup> The 4<sup>th</sup> phase of the Anti-crisis plan of the government -A New Package of Assistance for Private Sector and Citizens. Available at: <https://stopcov.ge/ka/daxmarebebi>, last seen: 10.02.2021.

<sup>113</sup> „Persons with Disabilities and Organizations Call on Government to Increase Social Package”, website of the Human Rights Education and Monitoring Center, 28.01.2021. Available at: <http://bit.ly/3oGs7Um>. Also, see: „People with Disabilities are Asking the Government to Increase the Social Package“, 28.01.2021. Available at: <https://netgazeti.ge/news/514847/>, last seen: 10.02.2021.

<sup>114</sup> Ibid.

<sup>115</sup> Article 24 of the Convention on the Rights of Persons with Disabilities .

<sup>116</sup> Ibid.

<sup>117</sup> OHCHR, Covid-19 and the Rights of Persons with Disabilities: Guidance, 6.

<sup>118</sup> UNICEF, Covid-19 Response: Considerations for Children and Adults with Disabilities, 3.

<sup>119</sup> „How Countries are Using Edtech (Including Online Learning, Radio, Television, Texting) to Support Access to Remote Learning During the COVID-19 Pandemic“, The World Bank, 2020. Available at: <https://bit.ly/3gyIf6h>, last seen: 10.02.2021.

<sup>120</sup> Hannah Alasuutari, “Tackling Inequity in Education During and After COVID-19“, World Bank Blogs, 20 April 2020. Available at: <https://bit.ly/3gsQD7i>, last seen: 10.02.2021.

<sup>121</sup> “Supporting Students with Disabilities During the Covid-19 Pandemic”, Share My Lesson, 2020. Available at: <https://bit.ly/31vTSqd>, last seen: 10.02.2021.



education and training resources for people with disabilities during the COVID-19 crisis.<sup>122</sup> It states that in the event of a pandemic, it is necessary to provide all students, including children with disabilities, with learning materials.<sup>123</sup> Additionally, The teacher can apply various methods to properly perform the duties imposed by the above-mentioned law (IDEA), for example, if a specific learning material is not available to a blind student, she/he shall read it over the phone or send an audio version to her/him.<sup>124</sup>

As to Georgia, on March 30, a few days after the declaration of the state of emergency, the educational project “TV School” was launched.<sup>125</sup> The project envisages conducting TV lessons for schoolchildren according to the standard and curriculum set out in the National Study Plan.<sup>126</sup> It is notable that all lessons are accompanied by a sign language translation.<sup>127</sup> Also, for the purpose of supporting parents of children with disabilities, the Ministry of Education in collaboration with the United Nations Children's Fund, launched a weekly show “Parent Hour” to provide practical advice to parents of children with disabilities to deal with pandemics.<sup>128</sup> The show is accompanied by a sign language translation, especially for hearing-impaired citizens.<sup>129</sup> Moreover, within the framework of TV School, the sign language lessons broadcasted. These lessons are designed not only for people with complete and partial hearing impairments but also for anyone who wants to promote their adaptation and equality in society.<sup>130</sup>

Despite state efforts, some shortcomings were identified with regard to the realization of the right to education of persons with disabilities. The remote learning of school curricula didn't include the needs of all persons.<sup>131</sup> Moreover, the proper involvement of students with disabilities and special educational needs in the inclusive educational process was a serious challenge.<sup>132</sup> Obstacles for this matter were particularly acute in the case of children with behavioral difficulties and sensory limitations.<sup>133</sup> Difficulties were identified in managing the remote learning process in an accessible format and the prompt and effective mobilization of relevant human resources.<sup>134</sup> Due to the difficult social background, barriers regarding access to communication means and the Internet were particularly challenging.<sup>135</sup> Most students, especially children with intellectual disorders, were left without educational support.<sup>136</sup> Furthermore, using the existing learning platform (Microsoft teams)

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<sup>122</sup> United States Department of Education, Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities, 21 March 2020. Available at: <https://bit.ly/2EJX0pp>, last seen: 10.02.2021.

<sup>123</sup> Ibid, see: 2.

<sup>124</sup> Ibid.

<sup>125</sup> The Government of Georgia, Human Rights Protection During the Covid-19 Crisis, 31.

<sup>126</sup> Ibid.

<sup>127</sup> „TV School“, First Channel website. Available at: <http://bit.ly/3gTZ5hI>, last seen: 10.02.2021.

<sup>128</sup> The Government of Georgia, Human Rights Protection During the Covid-19 Crisis, 30.

<sup>129</sup> Ibid, see: 31.

<sup>130</sup> „Georgian Sign Language Lessons“, TV School, First Channel website. Available: <https://1tv.ge/show/qartuli-djesturi-enis-gakvetilebi/>, last seen: 10.02.2021.

<sup>131</sup> „Statement of the Public Defender of Georgia on the World Autism Day“, website of the Public Defender of Georgia, 02.04.2020. Available at: <http://bit.ly/3qyDU9j>, last seen: 10.02.2021.

<sup>132</sup> „Day of Protection of the Rights of Persons with Disabilities in Pandemic Conditions“, website of the Public Defender of Georgia, 14.06.2020. Available at <http://bit.ly/3lXq6Bz>, last seen: 10.02.2021.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid. „Not All Families of People with Disabilities Have Access to the Internet“, "Persons with Disabilities Against Pandemic and Distance Learning", "Ninth Channel", Akhaltsikhe, 21.11.2020. Available at: <https://www.youtube.com/watch?v=R3esDloxvdo>, last seen: 10.02.2021.

<sup>136</sup> „To Home-Disabled Children and Pandemic“, First Channel website, 04:18-04:28, 04.11.2020. Available at: <http://bit.ly/39FZtyw>, last seen: 10.02.2021.

independently, both as in general education and as well as in higher education, was problematic for the blind people involved in the inclusive education program.<sup>137</sup> These issues were also discussed by the majority of the respondents:

*„Some beneficiaries do not have technical equipment at all. It is often the case that there is only one device in the family and parents give preference to typically developed children. Consequently, children with disabilities are left without lessons. We have informed the government about this and raised the issue of providing technical assistance to such children with disabilities, although no feedback has been received so far. It is also problematic that homeschooling for children with multiple disorders has been stopped due to the epidemiological situation. In addition, it should be noted that “TV School” is oriented towards typically developed pupils and it is not adapted for most of the disabled children. The lack of sufficient electronic materials also remains a challenge”* - said a daycare center representative, a parent of a person with disabilities.

*„Not everyone can use remote services due to lack of technical equipment”* - said a daycare center representative

*“Many children with disabilities found it difficult to sit in front of a monitor and attend lessons in an online format,”* - said a representative of the CSO advocating for the interest of persons with disabilities.

Therefore, it is necessary to modify existing services and take the needs of children with disabilities into account for the proper realization of their right to education.

### ***Employment Relations***

According to international recommendations, in order to guarantee their income, people with disabilities should be allowed to work from home or take paid leave.<sup>138</sup> Furthermore, for the purpose of reducing contacts, it is essential that, under the reasonable accommodation principle, the family member or carer of a person with a disability is allowed to work remotely.<sup>139</sup> Moreover, self-employed persons with disabilities should be given financial compensation if their income has decreased due to a pandemic.<sup>140</sup> The recommendations also consider financial support to employers of persons with disabilities, including in the form of tax relief, to provide persons with disabilities with the technologies necessary for working remotely.<sup>141</sup>

According to the anti-crisis plan of the Government of Georgia, persons who lost their jobs during the crisis or were sent on unpaid leave will receive 1200 GEL as compensation for 6 months - 200 GEL per month.<sup>142</sup> In the case of self-employment, they receive one-time support in the amount of 300 GEL.<sup>143</sup> It should be noted that this program is of general nature and applies to any person, including a person with disabilities if they meet the above criteria. The state has not provided any other specialized support to persons with disabilities.

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<sup>137</sup> „International White Cane Day”, Public Defender of Georgia website, 15.10.2020. Available at: <http://bit.ly/3rhOYaf>, last updated 10.02.2021.

<sup>138</sup> Claudia Sulewski, „Covid-19: Who is Protecting the People with Disabilities?“, OHCHR, 17 March 2020. Available at: <https://bit.ly/3b3an0a>, last seen: 10.02.2021.

<sup>139</sup> UNPRPD, Disability Inclusive Social Protection Response to Covid-19 Crisis, 1.

<sup>140</sup> OHCHR, Covid-19 and the Rights of Persons with Disabilities: Guidance, 5.

<sup>141</sup> Ibid.

<sup>142</sup> The Government of Georgia, Human Rights Protection During the Covid-19 Crisis, 29.

<sup>143</sup> Ibid.

## *Persons with Disabilities in Different Institutions*

According to the UN expert, during the Covid-19 crisis situation, people with disabilities in various types of institutions (for example, such as shelters, Psychiatric institutions) need special attention because they are at increased risk of infection.<sup>144</sup>

First of all, it is recommended to increase the human or financial resources of temporary institutions to carry out preventive measures.<sup>145</sup> Moreover, one of the solutions might be sending persons with disabilities home from such institutions and funding their support service providers.<sup>146</sup> This was the case, for example, in Switzerland and Spain, where persons with disabilities have returned to live with their families.<sup>147</sup>

According to a report by the Government of Georgia, the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking restructured the service model of three large institutions in the country as soon as the crisis began.<sup>148</sup> Some of the services are provided remotely.<sup>149</sup> Besides, in order to protect the beneficiaries, long-term staff rotation (for not less than 7 and not more than 14 calendar days) was established to minimize the entry of persons into the institutions.<sup>150</sup> Additionally, according to Meri Maghlaperidze - the director of the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking, in order to maximize contact with people outside the institutions, most of the beneficiaries are equipped with telephone, and the internet is also available.<sup>151</sup>

It is notable that with the assistance of the United Nations Development Program (UNDP), a set of guidelines and protocols "Mental Health and COVID-19: National Clinical Practice Recommendation (Guideline)" was adopted.<sup>152</sup> The protocol includes state standards for the safe management of patients under COVID-19 in both inpatient and outpatient mental health services.<sup>153</sup>

In addition, "Recommendations to Prevent the Spread of Infection (COVID-19) Caused by Novel Coronavirus (SARS-CoV-2) in 24-hour state care establishments" were issued.<sup>154</sup> Recommendations include the provision of well-functioning hand hygiene facilities (sinks, water supply, liquid soap, disposable hand towels) and alcohol-based hand sanitizers,<sup>155</sup> also, inventory list for people with disabilities subject to cleaning and disinfection.<sup>156</sup>

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<sup>144</sup> Claudia Sulewski, „Covid-19: Who is Protecting the People with Disabilities?“, OHCHR, 17 March 2020. Available at: <https://bit.ly/3b3an0a>, last seen: 10.02.2021.

<sup>145</sup> OHCHR, Covid-19 and the Rights of Persons with Disabilities: Guidance, 3.

<sup>146</sup> Ibid.

<sup>147</sup> Ibid.

<sup>148</sup> The Government of Georgia, Human Rights Protection During the Covid-19 Crisis, 25.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid, see: 28.

<sup>151</sup> „Minutes of the Meeting of the Interagency Working Group on the Rights of Persons with Disabilities“, 4. Available at: <https://bit.ly/2JZmpOt>, last seen: 10.02.2021.

<sup>152</sup> The Ministry of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs of Georgia with the assistance from the United Nations Development Programme (UNDP), Mental health and COVID-19: National clinical practice recommendation (guideline), 2020. Available at: <https://bit.ly/2UwAaH6>, last seen: 10.02.2021.

<sup>153</sup> Ibid.

<sup>154</sup> „Recommendations to Prevent the Spread of Infection (COVID-19) Caused by Novel Coronavirus (SARS-CoV-2) in 24-hour State Care Establishments" by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the National Center for Disease Control and Public Health. Available at: [https://www.moh.gov.ge/uploads/files/2020/Failebi/Danarti\\_N20\\_Rekomendaciebi.pdf](https://www.moh.gov.ge/uploads/files/2020/Failebi/Danarti_N20_Rekomendaciebi.pdf), last seen: 10.02.2021.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

A temporary recommendation was issued for the response to the spread of Infection (COVID-19) caused by Novel Coronavirus (SARS-CoV-2) in long-term care institutions.<sup>157</sup> According to this document, it is possible to release the beneficiaries of psychiatric institutions who can be supported in the community.<sup>158</sup> Moreover, admission of new beneficiaries became restricted,<sup>159</sup> and it was determined that services to them should be provided at home (with the help of crisis intervention or mobile teams), or that alternative sites should be chosen to reduce the possibility of bringing infection in the institution and, at the same time, prevent overloading of these institutions.<sup>160</sup> The recommendations provide practical and emotional support to beneficiaries from families and health workers during the epidemic outbreak and isolation;<sup>161</sup> also, the need to provide regularly updated information on COVID-19 to beneficiaries, staff, and personnel;<sup>162</sup> the mobilization of additional electronic devices for beneficiaries, the provision of training and the access to the internet when needed.<sup>163</sup>

For mental health services, under the recommendations to be considered during spreading infection (COVID-19) caused by Novel Coronavirus (SARS-CoV-2),<sup>164</sup> among other things, it was further defined the need of provision of appropriate equipment (visitor's robe, face mask, hat, and gloves) for the medical staff visiting home.<sup>165</sup>

The above-indicated measures and the documents should be positively assessed, however problematic areas should also be mentioned. Putting recommendations into practice is a challenge. The monitoring conducted by the Public Defender of Georgia in state care institutions showed that more efforts are needed to control the movement of persons within the institutions, the use of protective equipment, and obeying the established rules.<sup>166</sup> Besides, it is important to constantly inform and advise people living in institutions about the possible risks of spreading the novel Coronavirus and the preventive measures in an accessible form.<sup>167</sup> It is especially noteworthy that cases of Coronavirus have been confirmed in a nursing home in Batumi, which indicates the need to strengthen prevention, control, and monitoring measures in this and other institutions.<sup>168</sup>

Respondents also spoke about important aspects in this regard:

*„Blanket restriction of the admission of new patients in psychiatric establishments is problematic because the beneficiaries with severe problems are left without the necessary services and medicines. It is especially alarming that the hospital is arranged in such a way that it is impossible to isolate a person in the event of suspicion regarding the infection. Bathrooms and toilets are common. Patients*

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<sup>157</sup> „Readiness and Responsive Actions on the spread of Infection (COVID-19) caused by new Coronavirus (SARS-CoV-2) in Long-term Care Housing (temporary recommendation)“ by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the National Center for Disease Control and Public Health. Available at: [https://www.moh.gov.ge/uploads/files/2020/Failebi/Danarti\\_N25\\_Rekomendaciebi.pdf](https://www.moh.gov.ge/uploads/files/2020/Failebi/Danarti_N25_Rekomendaciebi.pdf), last seen: 10.02.2021.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> „Recommendations for Mental Health Services during the spread of Infection (COVID-19) caused by new Coronavirus (SARS-CoV-2)“ by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the National Center for Disease Control and Public Health. Available at: [https://www.moh.gov.ge/uploads/files/2020/Failebi/Danarti\\_N21\\_Rekomendaciebi.pdf](https://www.moh.gov.ge/uploads/files/2020/Failebi/Danarti_N21_Rekomendaciebi.pdf), last seen: 10.02.2021.

<sup>165</sup> Ibid.

<sup>166</sup> „Public Defender's Statement on Preventive Measures in the Context of Novel Coronavirus Pandemic“, website of the Public Defender of Georgia, 15.09.2020. Available at: <http://bit.ly/2P6FbGA>, last seen: 10.02.2021.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

*do not have personal soap. No face masks are used. Several people are placed together in the wards. Some wards do not have doors. Due to the closure of institutions, patients are restricted from contacting relatives, although they are not offered an alternative means of communication. They also do not have computers or phones. Psychosocial rehabilitation activities are limited, for example, the right to walk in the yard of the institution is often restricted. The state did not consider providing crisis and mobile groups with protective equipment. Although the risk of infection was high when providing on-site psychiatric services, this group was not equipped with appropriate protective equipment,”* - said a representative of the CSO advocating for the interest of persons with disabilities.

Consequently, the state shall employ more efforts in order to consider the interests of persons with disabilities in institutions.

## ***Conclusion***

It is apparent that persons with disabilities have faced significant challenges during the pandemic. Even though the state has taken certain measures to realize their rights, these responses were not sufficiently effective. Ensuring the provision and dissemination of quality information about Covid-19 to persons with disabilities, proper realization of the right to use the highest available health care standards, and the conditions of persons with disabilities living in institutions remain a problem; there is no active cooperation and consultation with these persons and with the NGOs working for their interests, and their involvement in the decision-making process; no financial support has been provided to the majority of them; children with disabilities face many obstacles in terms of accessing education; it should be noted that all these issues are of significant importance as the pandemic remains in an active phase. Moreover, it is likely that such a crisis will continue for some time.

Thus, it is crucial to analyze existing experiences, consider international recommendations, effectively address the challenges posed by Covid-19 through measures tailored to individual needs, and adequately protect the rights of persons with disabilities.

## ***Recommendations:***

- The state shall constantly provide all persons with disabilities with up-to-date and accessible information related to the pandemic;
- The state shall ensure continuous monitoring of the situation of persons with disabilities during the pandemic in order to identify their needs;
- The government shall actively cooperate with persons with disabilities and organizations advocating for their rights in order to increase the effectiveness of their involvement in the consultation and decision-making process;
- The state shall provide adequate training of medical staff and raise their awareness to prevent discrimination against persons with disabilities;
- Priority and proactive testing shall be conducted with regard to persons as persons with disabilities having the risk of respiratory complications, as well as their family members;
- The state shall provide effective support to all persons with disabilities in both healthcare and social services;
- The Government of Georgia shall review the anti-crisis economic plan and consider measures for supporting persons with disabilities tailored to their social needs;
- During a pandemic, an uninterrupted supply and access to medicines shall be provided for the persons with disabilities;

- Municipalities shall consider groups of people with disabilities in local anti-crisis programs and activities in accordance with their individual needs (food, protective equipment, medicines, etc.) at the maximum extent possible;
- The state shall take the necessary measures for the full inclusion of students with disabilities and considering their special educational needs in the remote education;
- The “TV School” shall be adapted to ensure that lessons are accessible to all persons with disabilities, including deaf and students with hearing impairments who do not speak sign language;
- Continuous and effective control of preventive measures in 24-hour care facilities for persons with disabilities shall be ensured;
- Effective supervision shall be ensured regarding the fulfillment of the treatment protocol for the people with mental health problems during the pandemic concerning both inpatient and outpatient services.