

THE ROLE OF TARGETED SOCIAL ASSISTANCE IN THE SOCIAL PROTECTION SYSTEM AND ITS CONNECTION WITH OTHER SOCIAL SUPPORT SERVICES



SOCIAL
JUSTICE
CENTER

The Role of Targeted Social Assistance
in the Social Protection System
and Its Connection with
Other Social Support Services

Social Justice Center

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Introduction

Poverty and inadequate social protection have a significant impact on the realization of any right by a person¹ and ignore his/her dignity.² Unfortunately, in many cases, the phenomenon of poverty is examined from the only one angle,³ while, in order to fight it effectively, the human rights perspective should be taken into account along the economic and social issues. That, in turn, provides important standards concerning the development of social protection mechanisms and their accessibility.

Poverty is considered one of the main and unsolvable challenges in Georgia. According to the 2022 data of the National Statistics Office, the share of the population living below the absolute poverty line is 15.6%, while the relative poverty rate is 19.9%.⁴ Unfortunately, since the independence of the country, the government has not taken effective steps, which would be oriented on the needs of the population for preventing and eradicating this problem, which further aggravates the existing situation.

Over the years, the essence of the social assistance system has changed little and covers services at the central and local levels. Among the existing mechanisms at the central level, the targeted social assistance (hereinafter – “TSA”) system is particularly noteworthy, which provides monthly financial allowance to households living in socio-economic vulnerability. The existing system is not limited to this type of payment, as the point system designed for evaluating the socio-economic situation of households is also a prerequisite for inclusion in many other services.

Linking other services to the socio-economic status assessment system may be considered important given the need for additional support of households already identified by the state. However, the mentioned system may be problematic, on the one hand, due to the increase in the dependence of socially vulnerable families on the governmental allowance and, on the other hand, considering the neglect of the population left behind/not having the score below the legislative threshold due to various reasons.

1 Regardless of the content and classification of the mentioned right.

2 OHCHR, OHCHR and the Human Rights Dimension of Poverty, <https://bit.ly/3Ix7qX0>; Committee on Economic, Social and Cultural Rights, General Comment No. 19: the Right to Social Security (Art. 19), E/C.12/GC/19, 2008, Par. 1.

3 OHCHR, OHCHR and the Human Rights Dimension of Poverty, <https://bit.ly/3Ix7qX0>.

4 National Statistics Office of Georgia, Poverty and Gini Coefficients, <https://bit.ly/3knw5Fk>.

Considering the above-mentioned, the purpose of this document is the research of international and national standards on the role of TSA in the social protection system and its relationship with other services, the identification of the relevant gaps and preparation of relevant recommendations for the transformation of the social protection system and the inclusion of the human rights perspectives.

Research Methodology

The study on the role of the TSA system and its relationship with various social protection services was carried out using desk and qualitative research methods.

Considering the complexity of the functioning issues of the TSA system, the research questions were formed and narrowed in the first stage of the study. To this end, two focus group meetings were held with the social workers from the LEPL – Agency for State care and Assistance for the (Statutory) Victims of Human Trafficking operating within the system of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia. A total of 14 social workers participated in these meetings. As a result of the meetings, the groups were identified, which, according to the experience of the social workers, are the least likely to be included in the social assistance system, and/or whose needs, if they are included in the system, are the least taken into account. These groups are: homeless people, persons with disabilities and elderly.

With the representatives of the above-mentioned group (8 representatives in total; at the time of actual interview some of them were recipients of subsistence allowance, and some were not receiving such assistance) individual interviews were conducted, the results of which, in the form of case studies, are presented in this document.

The following information/sources were examined as part of the desk research:

- *International standards relevant for the research* – both so-called “soft” law and obligatory legal norms have been analyzed. Among them are standards set and/or reviewed by the Covenant of Economic, Social and Cultural Rights and the Committee operating within its framework, the European Social Charter and the European Social Committee, the UN Special Procedures (including the UN Special Rapporteur on Extreme Poverty and Human Rights, the UN Special Rapporteur on the Rights of Persons with Disabilities, the UN Independent Expert on the Enjoyment of All Human Rights by Older Persons);
- *National legislation* – both legislative acts and bye-laws related to the operation of the subsistence allowance and various mechanisms of the social protection system have been analyzed. As part of the review of national legislation, the budgets of municipalities and the rules for provision of social assistance programs from the local budget were also analyzed in order to determine the relationship of various social assistance programs with the status of the socially vulnerable and its corresponding score;
- *Public information* – in the framework of the research, information requested from four large municipalities (Tbilisi, Kutaisi, Batumi and Rustavi municipalities) re-

garding the provision of social protection services to the population was processed. The information received from the LEPL – Social Services Agency on the functioning of the TSA system was also examined;

- *Secondary sources* – within the research, international and national reports, research papers and articles relevant to the research issues were analyzed.

In addition, the research limitation should also be emphasized – although the socially vulnerable status and its corresponding score is a prerequisite for receiving a number of benefits, within the framework of this study, the analysis was carried out in the light of the social assistance services. Furthermore, having the status of a socially vulnerable family, as well as a relevant score is important not only for the purposes of receiving social benefits but also many other services. For example, the benefits provided by the healthcare programs,⁵ as well as the program for financing the studies of socially vulnerable students in higher educational institutions⁶ and the benefits related to the services provided by the Ministry of Justice,⁷ can be cited. We hope that in the future, the impact of the socially vulnerable scores on the benefits other than social assistance services will be duly studied.

5 See, Resolution No. 36 of the Government of Georgia of February 21, 2013 “On some measures to be implemented in order to transition to universal health care”.

6 Resolution No. 419 of the Government of Georgia dated of 9, 2022 “On the amount and conditions of financing with state educational grants within the framework of the social program in higher educational institutions for students who are studying at accredited higher education programs based on the results of unified national exams”, Art. 3.

7 For example, socially vulnerable persons whose TSA score does not exceed 70 000 points are exempted from the obligation to pay the fee for obtaining an electronic ID; Socially vulnerable persons with a rating score of fewer than 57 001 points are also exempted from paying fees (except for the expedited service fee) for the following services: legal recognition of name change in the record of the civil act of birth, amendment, and addition to the record of the civil act (except for establishing paternity and adoption issues) cases; see Resolution No. 508 of the Government of Georgia of December 29, 2011 “On approval of the terms of services provided by the State Services Development Agency and consular officials within the scope of delegated authority, the amounts of fees established for these services, and the manner of payment of fees”, Annex N 1, Arts. 8 (4), 8 (10).

1. The Standards of the Right to Social Protection – An Overview of International Instruments

The right to social protection, due to its complex nature and importance, is a constituent part of many universal and regional international documents. The content of the above-mentioned standards and documents plays important role in the evaluation of national regulations and policies.

Within the framework of this chapter, the general international legal standards of the right to social protection and the additional obligations of the states in relation to three vulnerable groups – the elderly, homeless and/or persons with disabilities, will be reviewed.

1.1. General Standards of the Right to Social Security

In 2001, the Committee on Economic, Social and Cultural Rights described poverty as a human condition, which is characterized by the persistent or chronic deprivation of resources, capabilities, choices, security, and power necessary for the enjoyment of an adequate standard of living and the realization of other civil, cultural, economic, political, and social rights.⁸

There are different approaches to the perception and definition of the system of social protection and the fighting against poverty in different states and societies, which are dictated by diverse political and organizational structures, culture and traditions.⁹ For example, when talking about the social protection system, the Committee on Economic, Social and Cultural Rights points to the variety of mechanisms included in the system, which are united in two main directions: 1. Social insurance schemes, for the existence of which their users have to make financial contributions; 2. Social assistance schemes, which mostly include universal or targeted non-contributory measures. They are tax-funded and target groups that need resources based on their vulnerability.¹⁰

8 Committee on Economic, Social and Cultural Rights, Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights: Poverty and the International Covenant on Economic, Social and Cultural Rights, Statement Adopted by the Committee on Economic, Social and Cultural Rights on 4 May 2001, E/C.12/2001/10, 2001, Par. 8.

9 Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Par. 17.

10 Committee on Economic, Social and Cultural Rights, General Comment No. 19: the Right to Social Security (Art. 19), E/C.12/GC/19, 2008, Par. 4.

Despite differences in approaches, social protection systems and schemes play an important role in reducing and alleviating poverty in countries, preventing social exclusion and promoting social inclusion.¹¹ The analysis of the content of the international standards gives the opportunity to identify the main principles on which such systems and their constituent services should be based.

1.1.1. General International Standards

During the examination of international standards, the Universal Declaration of Human Rights should be mentioned first. According to Article 22, every person, as a member of society, has the right to social security, as well as the right to realize economic, social and cultural rights, which are inseparable from the concepts of his/her dignity and the free development of his/her personality.¹² Furthermore, Article 25 of the Declaration affirms the right to an adequate standard of living, including food, clothing, housing, medical and necessary social services, as well as the right of a person to be protected during the loss of means of existence as a result of unemployment, illness, disability, death of a spouse, old age or other circumstances beyond his/her control.¹³

The International Covenant on Economic, Social and Cultural Rights¹⁴ also devotes a lot of space to issues of combating socio-economic vulnerability of the population and guaranteeing its welfare. In accordance with Article 9 of the Covenant, the Contracting States recognize the right of every person to social security, including social insurance, while under Article 11, everyone has the right to an adequate standard of living for himself/herself and his/her family, including adequate food, clothing and housing, and has the right to continuously improve living conditions.¹⁵

Among the important international instruments, the European Social Charter is also noteworthy, which includes several essential standards in this field:

- Effectively guaranteeing the right to social security and, to this end, taking the measures for creating, maintaining and improving the social security system (Article 12);

11 Ibid., Par. 3.

12 The Universal Declaration of Human Rights, 1948, Art. 22, <https://bit.ly/3Zdpa07>.

13 Ibid., Art. 25 (1).

14 The Covenant has been binding for Georgia since 1994.

15 International Covenant on Economic, Social and Cultural Rights, Arts. 9, 11 (1), <https://bit.ly/3KPFFf5>.

- Provision of appropriate social and medical support to any person without adequate funds (Article 13);
- Ensuring the right to use social welfare services and for this purpose, creating those services that, through social work, will contribute to the well-being and development of both individuals and groups (Article 14);
- Provision of social, legal and economic support to families, including social benefits (Article 16);
- Ensuring the right to protection from poverty and social exclusion and appropriate social support for persons and their families living in such a situation or at risk of poverty and exclusion (Article 30).¹⁶

In parallel with general international regulations, the right to social protection for certain groups is strengthened by such instruments as, for example, the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (Article 11), the 1989 UN Convention on the Rights of the Child (Article 26), the UN 2006 Convention on the Rights of Persons with Disabilities (Art. 28) and 1990 UN Convention on the Protection of the Rights of Migrant Workers and Members of Their Families (Art. 27).¹⁷

The Committee on Economic, Social and Cultural Rights reviews in detail the content of the main obligations of states in the direction of social protection.¹⁸ In particular, as in the case of other relevant rights, the obligations of respecting, protecting and guaranteeing of the right to social protection by the state are also applicable.¹⁹

Additionally, the Committee takes into account the fact that the realization of the right to social protection may be associated with significant costs from the state; furthermore, it indicates that, taking into account the connection of the social protection system with human dignity, this rights should have been properly given a priority in the legislation and policy;²⁰ States should develop a strategy for the full implementation of the right to social protection and allocate adequate resources for this purpose.²¹

16 Georgia regards binding the following Articles of the European Social Charter: 12 (1), 12 (3), 14 (1) and 14 (2).

17 At the time of the study, the mentioned international agreement is not binding for Georgia.

18 Committee on Economic, Social and Cultural Rights, General Comment No. 19: the Right to Social Security (Art. 19), E/C.12/GC/19, 2008, Paras. 40 – 51.

19 Ibid., Paras. 44 – 51.

20 Ibid., Paras. 41, 67 – 72.

21 Ibid., Par. 41.

One of the main issues concerning the provision of population with social protection services is the fulfillment of the minimum core obligations by the states. For instance, the minimum basic obligation to guarantee the right to an adequate standard of living for all, in all circumstances, includes the important aspects, such as protection against hunger and the provision of adequate and safe food and drinking water, the provision of minimum shelter/housing, and the provision of social protection that includes provision with minimum essential benefits.²²

In this regard, the Social Protection Floors Recommendation (N 202) of the International Labor Organization is also relevant, which refers to the obligation of states to establish a minimum base of social protection at the national level. The above-mentioned itself covers basic guarantees of social security, including the provision of a basic income and universal access to vital social protection services.²³

1.1.2. The Basic Principles of Functioning of the Social Protection System

In parallel with relatively general regulations, definitions and recommendations of the UN and other relevant organizations/mechanisms (including the European Social Committee) are essential for an in-depth study of the content of the state's obligations in this area. As noted above, the contexts of countries greatly differ from each other, however, the analysis of international standards provides an opportunity to outline the main issues and principles that governments should consider when developing and implementing social protection policies:²⁴

- **Availability:** the social protection system should function in accordance with the existing national legislation. Legislation should ensure effective administration and monitoring of service delivery. In addition, it is necessary for a relevant social benefit to be in place in relation to significant social risks and contingencies. Examining the latter, the Committee on Economic, Social and Cultural Rights indicates that the social security system should cover 9 areas: health protection, inability to work

22 OHCHR, OHCHR's Overview on the Right to Social Security/Social Protection, <https://bit.ly/3xRg1yy>.

23 See, Report of the Special Rapporteur on the rights of persons with disabilities, The right of persons with disabilities to social protection, A/70/297, 2015, Par. 10.

24 For example, see, OHCHR, OHCHR's Overview on the Right to Social Security/Social Protection, <https://bit.ly/3xRg1yy>; Committee on Economic, Social and Cultural Rights, General Comment No. 19: the Right to Social Security (Art. 19), E/C.12/GC/19, 2008, Paras. 10 – 27; Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Paras. 44 – 54.

due to health conditions, old age, unemployment, injury at work, family and child support, parental leave, disability status, orphanage/loss of breadwinner;

- **Adequacy:** the social protection service, regardless of its form, should be sufficient and should correspond to the needs of its beneficiaries, so that every person has the opportunity, among other rights, to exercise the right to an adequate standard of living. This principle also implies constant monitoring of existing benefits and, if necessary, implementation of relevant changes;
- **Affordability:** the financial burden related to the contribution of citizens to the social protection system should be proportionate and should not endanger the exercise of other rights and freedoms;
- **Accessibility:** social benefits should cover all people without discrimination, especially the representatives of marginalized and vulnerable groups. The existence of non-contributory schemes is essential for achieving the mentioned goal;
- **Participation and Access to Information:** beneficiaries of social protection mechanisms should be given the opportunity to participate in the administration of the system. It is essential that they have the right to receive clear and transparent information about social protection services, including the content of the services and the responsible agencies.²⁵ In this regard, it is particularly important that information is provided in accessible formats to people who are the most excluded members of society. When ensuring access to information, the state must consider existing physical barriers (e.g., for persons with disabilities with different needs (including persons without/with limited sight) in the provision of access to information), as well as cultural barriers (e.g., providing access to information for representatives of ethnic and/or linguistic minorities, the indigenous population, and migrants).²⁶

Furthermore, it is noteworthy that the *issues of progressive realization, prohibition of discrimination and guaranteeing gender equality* have an intersectional application in the functioning of social protection systems.²⁷

25 Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Paras. 44 – 47.

26 Ibid., Par. 41.

27 Committee on Economic, Social and Cultural Rights, General Comment No. 19: the Right to Social Security (Art. 19), E/C.12/GC/19, 2008, Paras. 29 – 32, 40.

1.1.3. Prerequisites for Inclusion in Social Services

Along with the basic principles of the functioning of the social protection system, international standards also refer to the prerequisites for inclusion in social services. The standards underline that these prerequisites should be transparent, proportionate and reasonable.²⁸ Furthermore, procedural difficulties of inclusion in the services should not lead to exclusion from the system, suspension and/or reduction of benefits.²⁹ States should also refrain from implementing the measures that would aggravate the human rights situation of service recipients. The issue of tightening the criteria for inclusion in the program is also noteworthy in that regard.³⁰

Additionally, in order for states to ensure that the prerequisites and criteria for inclusion in the social protection system/services are non-discriminatory, they should periodically analyze these criteria in the light of a human rights perspective.³¹

The European Committee of Social Rights also sets important standards regarding the prerequisites for inclusion in social protection programs. The explanation of the relevant articles of the European Social Charter indicate that social support should be available *to all persons* who need such support. Accordingly, the main prerequisite for inclusion in the service should be *the individual needs of the person*.³² The Committee also points out that the criteria for inclusion in social protection services should not be strictly formulated and that the availability of service should be ensured in case of immediate need.³³

While examining the criteria for inclusion in services, the UN Committee on Economic, Social and Cultural Rights has pointed out in relation to a number of countries that for the effective fulfillment of international obligations regarding economic, social and cultural rights, the needs of vulnerable and the poorest persons and households should be taken into consideration within the frameworks of various poverty reduction pro-

28 Ibid., Par. 24; OHCHR, OHCHR's Overview on the Right to Social Security/Social Protection, <https://bit.ly/3x-Rg1yy>; Report of the Special Rapporteur on the rights of persons with disabilities, Access to rights-based support for persons with disabilities, A/HRC/34/58, 2016, Par. 52; Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Par. 38.

29 Committee on Economic, Social and Cultural Rights, Concluding Observations on the initial report of Bahrain, E/C.12/BHR/CO/1, 2022, Paras. 36 – 37.

30 Report of the Special Rapporteur on the rights of persons with disabilities, Access to rights-based support for persons with disabilities, A/HRC/34/58, 2016, Par. 69.

31 Ibid., Par. 65.

32 Council of Europe, Digest of the Case Law of the European Committee on Social Rights, 2018, pp. 143 – 144.

33 Ibid., 2018, p. 155.

grams and these groups should be covered by appropriate services.³⁴ Furthermore, it is important for the state to provide progressive inclusion of people left outside the social protection scheme in the given system.³⁵

1.2. Human Rights Standards of Social Protection for Vulnerable Groups

Although the standards of the right to social security are relevant to any person living in the state, international standards identify a number of vulnerable groups, in relation to which special emphasis should be made by the state policy.³⁶ These are, for example, the elderly, children, women, persons with disabilities, homeless people, informally employed and/or persons engaged in domestic work, ethnic minorities, migrants, internally displaced persons and others.³⁷

Based on the aims of the present document, the standards concerning three groups covered by research will be examined in this chapter: homeless people, persons with disabilities and elderly.

1.2.1. Homeless Persons

Homeless persons represent one of the most vulnerable groups in society, and homelessness essentially undermines human dignity.³⁸ Due to the lack and inadequacy of housing, and inaction of the state, homeless people face the violation of a number of rights and freedoms, along with the right to adequate housing.³⁹

34 Committee on Economic, Social and Cultural Rights, Concluding Observations on Afghanistan, E/C.12/AFG/CO/2-4, 2010; Committee on Economic, Social and Cultural Rights, Concluding Observations on the fourth and fifth periodic report of Angola, E/C.12/AGO/CO/4-5, 2016, Paras. 38, 44.

35 Committee on Economic, Social and Cultural Rights, General Comment No. 19: the Right to Social Security (Art. 19), E/C.12/GC/19, 2008, Par. 51.

36 For example, see, Committee on Economic, Social and Cultural Rights, Concluding observations on the fifth periodic report of Australia, E/C.12/AUS/CO/5, 2017, Par. 40.

37 Committee on Economic, Social and Cultural Rights, General Comment No. 19: the Right to Social Security (Art. 19), E/C.12/GC/19, 2008, Par. 31; Committee on Economic, Social and Cultural Rights, Concluding observations the third periodic report of the Plurinational State of Bolivia, E/C.12/BOL/CO/3, 2021, Paras. 36 – 37.

38 Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Guidelines for the Implementation of the Right to Adequate Housing, A/HRC/43/43, 2019, Par. 30.

39 Committee on Economic, Social and Cultural Rights, General Comment No. 4: The right to adequate housing (art. 11 (1) of the Covenant), 1991, Par. 9.

The UN Special Rapporteur on Adequate Housing indicates that persons in need of housing and related social benefits should be treated with dignity by the state – they should be considered as subjects with rights and not as beneficiaries of charity;⁴⁰ Additionally, they should be given the opportunity to actively participate in the development process of relevant mechanisms designed for providing housing, as well as in general policy development.⁴¹

The Special Rapporteur also points out that based on the equality principle, housing and related social services should be non-discriminatory. Moreover, these services should address the challenges faced by various vulnerable groups and alleviate existing discrimination against them.⁴² In this regard, the Special Rapporteur considered the requirement for homeless persons to have a registered address in order to receive housing and relevant social services as discriminatory practice.⁴³

1.2.2. Persons with Disabilities

Persons with disabilities remain one of the most vulnerable groups of the population.⁴⁴ The barriers in society, disability and socio-economic vulnerability are significantly related to each other.⁴⁵ In case of inaction or inefficiency of the state in the direction of support of persons with disabilities, representatives of this group are deprived of the opportunity to participate in public life and have access to the much-needed services.⁴⁶ In such case, persons with disabilities with double or multiple vulnerabilities, including elderly persons with disabilities, are facing special challenges.⁴⁷

40 Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Guidelines for the Implementation of the Right to Adequate Housing, A/HRC/43/43, 2019, Par. 21.

41 Ibid.

42 Ibid., Par. 48.

43 Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Balakrishnan Rajagopal, Discrimination in the context of housing, A/76/408, 2021, Par. 11.

44 Report of the Special Rapporteur on the rights of persons with disabilities, Access to rights-based support for persons with disabilities, A/HRC/34/58, 2016, Par. 16.

45 Report of the Special Rapporteur on the rights of persons with disabilities, The right of persons with disabilities to social protection, A/70/297, 2015, Paras. 25 – 28; Report of the Special Rapporteur on the rights of persons with disabilities, Disability-inclusive policies, A/71/314, 2016, Paras. 6, 13 – 14.

46 Committee on Economic, Social and Cultural Rights, General Comment No. 5: Persons with Disabilities, 1994, Paras. 1, 8 – 9.

47 Report of the Special Rapporteur on the rights of persons with disabilities, Older persons with disabilities, A/74/186, 2019, Par. 39.

Along with various services, it is especially important for the disability community to be provided with social protection services and social support.⁴⁸ Moreover, social assistance programs have the ability to have a direct impact on the lives of persons with disabilities, as they can contribute to the reduction and/or prevention of poverty and social vulnerability of this group, as well as involvement in various services, social inclusion and participation.⁴⁹

It is essential that the existing social protection system takes into account issues of loss, reduction or temporary cessation of income based on disability, while people with disabilities should be provided with decent assistance tailored to their individual needs.⁵⁰ The Committee on Economic, Social and Cultural Rights indicates that, along with persons with disabilities, the system should include their family members and other informal supporters.⁵¹ When examining the essence of the social protection services, it is particularly important to also mention the UN Convention on the Rights of Persons with Disabilities. Article 28 of the Convention imposes an obligation on the contracting states to include the needs of persons with disabilities in mainstream services.⁵²

Despite the need, persons with disabilities are often excluded from the TSA programs, which, according to the UN Special Rapporteur on the Rights of Persons with Disabilities, might be resulted from the following circumstances:⁵³

- As a rule, the criterion for inclusion in social protection programs is the disability status, which, in many cases, is based on a medical model and/or employs a program-specific definition, which is mainly focused on working ability or medical evaluations.
- One of the challenges is caused by the heterogeneity of the disability community, which is aggrieved by the lack of relevant administrative data regarding the above-mentioned group. As a result, many people may be left out of targeted programs.

48 Committee on Economic, Social and Cultural Rights, General Comment No. 5: Persons with Disabilities, 1994, Par. 28.

49 Report of the Special Rapporteur on the rights of persons with disabilities, The right of persons with disabilities to social protection, A/70/297, 2015, Paras. 7 – 9.

50 Committee on Economic, Social and Cultural Rights, General Comment No. 19: the Right to Social Security (Art. 19), E/C.12/GC/19, 2008, Par. 20.

51 Ibid.

52 Report of the Special Rapporteur on the rights of persons with disabilities, The right of persons with disabilities to social protection, A/70/297, 2015, Paras. 19 – 20; Report of the Special Rapporteur on the rights of persons with disabilities, Older persons with disabilities, A/74/186, 2019, Par. 43.

53 Report of the Special Rapporteur on the rights of persons with disabilities, The right of persons with disabilities to social protection, A/70/297, 2015, Paras. 56 – 59.

- Another problem is the content of the TSA schemes. It is usually based on the means-tested, which identifies the income of households as a result of direct or indirect testing of needs. According to global trends, such tests ignore the individual needs of people with disabilities and the barriers they face.

Given the above-mentioned the challenges, international standards call on states to guarantee social protection services for persons with disabilities without barriers and not to focus only on a part of the community (e.g., only on persons who are formally involved in social protection schemes).⁵⁴

1.2.3. Older Persons

The elderly remain one of the most vulnerable groups of society and require special attention from the state. Poverty and social vulnerability have a particular impact on their autonomy and lead to social isolation, as well as preventing them from accessing important benefits, including social protection and health care, adequate food and water.⁵⁵

According to the UN independent expert on the rights of the elderly, the social rights of the representatives of the mentioned group are divided into three main directions: the first direction concerns the issues of guaranteeing income and ensuring the right to an adequate standard of living, which, among other elements, includes the right of the elderly to receive the benefits of the social protection system; The second direction includes guaranteeing unhindered access to health services, and the third involves the inclusion of the elderly in cultural and educational events and activities.⁵⁶

Social transfers and pension schemes are one of the main parts of the social protection system for the elderly and significantly contribute to the minimum social security of the representatives of the mentioned group, as well as the prevention of poverty.⁵⁷ These benefits are especially important for particular groups such as, for example, women,

54 Report of the Special Rapporteur on the rights of persons with disabilities, Access to rights-based support for persons with disabilities, A/HRC/34/58, 2016, Par. 52.

55 Report of the Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte, Autonomy and care of older persons, A/HRC/30/43, 2015, Paras. 53 – 54.

56 Report of the Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte, First annual report of the Independent Expert on the enjoyment of all human rights by older persons providing preliminary views on the mandate, A/HRC/27/46, 2014, Paras. 40 – 43.

57 Report of the Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte, Autonomy and care of older persons, A/HRC/30/43, 2015, Par. 55.

people living and working in rural areas, informally employed, as with the existence of such mechanisms, older people are given the opportunity to live independently and be isolated from family services.⁵⁸

Based on the increased need for social support, states should take appropriate measures to implement relevant international instruments and establish social security schemes for the elderly.⁵⁹ It is important that states ensure the existence of both contributory and non-contributory social protection schemes and improve the availability of social protection services, *inter alia*, by increasing resources.⁶⁰ To this end, as indicated by the UN Independent Expert on the Rights of Older Persons, states should eliminate access barriers to services and strengthen communication measures.⁶¹

58 Ibid.

59 Committee on Economic, Social and Cultural Rights, General Comment No. 19: the Right to Social Security (Art. 19), E/C.12/GC/19, 2008, Par. 15; Report of the Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte, Autonomy and care of older persons, A/HRC/30/43, 2015, Par. 53.

60 Report of the Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte, Autonomy and care of older persons, A/HRC/30/43, 2015, Par. 56.

61 Ibid.

2. Targeted Social Assistance and Its Role in the Social Protection System

Over the years, monetary support programs have been one of the important parts of the social policy of countries, including those with developed economies, and are especially strongly present in Latin American, African and Asian countries.⁶² Despite the differences in design and content, their main purpose is to empower individuals and households and support them in fighting poverty.⁶³

TSA plays an important role in the support and assistance to the socio-economically vulnerable population. Although international standards indicate the importance of the universality of the social security system and the inclusion of all people, many countries, taking into account their socio-economic situation, use the mechanisms, which identify specific vulnerable/most vulnerable populations and provide them with certain benefits.⁶⁴

TSA schemes differ in terms of content and coverage of beneficiaries, however, one of the main issues in service development is the selection of target beneficiaries.⁶⁵ Selection methods differ from each other. Namely, in practice, selection can be carried out by categories (when benefits are given to individual groups), by identifying incomes (so-called means testing), through using indicators of indirect assessment of well-being (so-called proxy means testing), and self-selection method.⁶⁶

Direct or indirect identification of household welfare is one of the most relevant mechanisms in connection with TSA programs. Based on the above-mentioned different methodologies, it identifies the families in need and excludes other people from its coverage. Although the targeted selection mechanisms differ in content, their effectiveness is connected with such issues as the possibility of simple administration, cost-effective-

62 Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Paras. 11, 55; Economic Policy Research Institute, Social Security Take-up and the Means Test in South Africa, 2001, <https://bit.ly/3nHn9M4>.

63 Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Par. 21.

64 For example, see Human Rights Watch, Submission to the Office of the United Nations High Commissioner for Human Rights on the Rights of the Child and Social Protection, 2023, <https://bit.ly/3JfA804>.

65 Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Par. 36.

66 *Ibid.*, Par. 35; Economic Policy Research Institute, Social Security Take-up and the Means Test in South Africa, 2001, p. 3.

ness, basing the system on easily defined and observable incomes and difficulties in manipulation.⁶⁷

On the other hand, the TSA system can be conditional (conditional cash transfers), which imposes certain preconditions for providing assistance to the beneficiaries, and unconditional (unconditional cash transfers), which does not consider this type of preconditions for providing such assistance.⁶⁸ According to the UN independent expert on human rights and extreme poverty, both types of mechanisms may be important for alleviating the situation of people living in poverty, as extremely low incomes are compensated through cash transfers.⁶⁹

2.1. Experiences of Targeted Social Assistance in Different Countries

When it comes to the provision of cash assistance, *inter alia*, TSA services, the global experiences differ. Such schemes are usually enshrined in local legislation⁷⁰ and social protection policy documents (for example, strategies), and, in some cases, in small-scale initiatives and pilot projects.⁷¹

It is important to note that over the years, the policy of many countries in this field was determined by the attitude of international financial institutions towards TSA. World Bank and International Monetary Fund projects largely support TSA systems (especially conditional cash assistance services) and encourage states to implement TSA programs.⁷² The proxy means-testing system has also been popularized by the World Bank since the 90s of the last century.⁷³ According to the researchers, such support for the system was

67 Economic Policy Research Institute, Social Security Take-up and the Means Test in South Africa, 2001, p. 3.

68 Human Rights Watch, “I Must Work to Eat”, Covid-19, Poverty, and Child Labor in Ghana, Nepal, and Uganda, 2021, p. 17, <https://bit.ly/3ISigHc>; Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Par. 55.

69 Report of the independent expert on the question of human rights and extreme poverty, A/63/274, 2008, Paras. 80 – 81.

70 For example, Brazil, Republic of South Africa, Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Par. 29.

71 Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Paras. 29 – 30, 32.

72 *Ibid.*, Par. 55; Report of the Special Rapporteur on Extreme Poverty and Human Rights, A/HRC/38/33, 2018, Paras. 27, 38 – 41; Kidd S., Pro-poor or Anti-Poor? The World Bank and IMF’s Approach to Social Protection, 2018, pp. 1 – 4, <https://bit.ly/3BoneYS>.

73 International Labour Organization, UN Women, Assessment of the Social Protection System in Georgia, Final Report, 2020, p. 23.

in line with the visions of neoliberal regimes and, among other things, was related to the concepts of small government and introduction of low taxes.⁷⁴ Nevertheless, in recent years, the World Bank has recognized that universal social protection is an important mechanism for eliminating poverty and inequality.⁷⁵

Considering the registration in social registers as a result of proxy means-testing, as a prerequisite for access to national services, is also endorsed by the World Bank. It indicates that such registries, as a rule, connect registered beneficiaries with various services (including the benefits that are functioning outside the social security system), improve coordination between programs, save budget funds and improve the process of prioritization of the most vulnerable persons.⁷⁶ On the other hand, in the 2022 study, the World Bank addresses the issue of the use of a single point system by several programs and points out that despite the possibility of using the mentioned system, states should take into account that the use of the same criteria by different systems may ignore the possibility of covering different groups with social protection systems.⁷⁷

TSA is part of the social protection systems in many countries, including the United Kingdom, Spain, Republic of South Africa, Serbia, Poland, Portugal, Croatia, Malta and Hungary.⁷⁸ Furthermore, in many states, one of the prerequisites for access to social benefits is registration in the social register, and the list of such registers is usually made as a result of proxy means-testing.⁷⁹

The system of social registers exists in more than 50 countries, mostly in the regions of Asia, Africa and Latin America.⁸⁰ For example, in Guatemala, registration in the social registry is a prerequisite for receiving 108 social services, while in Chile, households

74 Kidd S., Pro-poor or Anti-Poor? The World Bank and IMF's Approach to Social Protection, 2018, p. 1, <https://bit.ly/3BoneYS>; Kidd S., Gelders B., Bailey – Athias D., Exclusion by Design: An assessment of the effectiveness of the proxy means test poverty targeting mechanism, 2017, p. 16.

75 Human Rights Watch, IMF/World Bank: Targeted Safety Net Programs Fall Short on Rights Protection, 2022, <https://bit.ly/3Zq723J>; The World Bank, World Bank, ILO Announce New Push for Universal Social Protection, 2016, <https://bit.ly/3Yp6Oby>.

76 World Bank Group, Sourcebook on the Foundations of Social Protection Delivery Systems, 2020, p. 122.

77 World Bank Group, Revisiting Targeting in Social Assistance: A New Look at Old Dilemmas, 2022, p. 388.

78 International Labour Conference, Universal Social Protection for Human Dignity, Social Justice and Sustainable Development, 2019, p. 177.

79 Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter, A/HRC/50/38, 2022, Par. 27.

80 Kidd S., Athias D., Mohamud I., Social Registries: A Short History of Abject Failure, Working Paper, 2021, p. 12.

registered in the registry have access to 80 benefits.⁸¹ According to data from 2015-2017, the number of programs that used the social register was also quite high in other countries – for example, in Pakistan (70 programs), the Philippines (52 programs), Colombia (31 programs), Montenegro (28 programs), and Macedonia (24 programs).⁸² The case of Brazil is also noteworthy (30 programs). It has a unified database of socio-economically vulnerable persons and families (Cadastro Único), which, in addition to the TSA program (Bolsa Familia program – assistance service for families with children), determines the possibility of accessing other benefits (*inter alia*, municipal benefits).⁸³

Despite the varied experience of using the TSA systems and special registers, the use of these mechanisms has not remained without criticism. **The object of special criticism is the targeting and the exclusion of vulnerable groups from the system.**⁸⁴

An example of such criticism is Human Rights Watch's assessment of Kazakhstan's TSA system. The organization states that, although the number of beneficiaries of the program is up to one million people, the service is not able to support people in need. Therefore, the country lacks the ability to ensure the realization of the social and economic rights of its vulnerable population.⁸⁵ The above-mentioned assessment, in the main cases, is caused by rigid inclusion criteria and the mechanism of means-testing, which leads to the exclusion of people in need of support from the service.

An important issue, which the organization considered **one of the main failures of the social protection system of Kazakhstan, is the relationship between the social allowance system and other benefits.** In particular, the inclusion of individuals in the TSA program is the prerequisite for receiving a number of benefits, which means that people who are outside the system are deprived of the opportunity to receive significant support from the government.⁸⁶

81 Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter, A/HRC/50/38, 2022, Par. 27.

82 Kidd S., Athias D., Mohamud I., Social Registries: A Short History of Object Failure, Working Paper, 2021, p. 5.

83 World Bank Group, Revisiting Targeting in Social Assistance: A New Look at Old Dilemmas, 2022, p. 118.

84 Kidd S., Gelders B., Bailey – Athias D., Exclusion by Design: An assessment of the effectiveness of the proxy means test poverty targeting mechanism, 2017; Human Rights Watch, How the EU's Flawed Artificial Intelligence Regulation Endangers the Social Safety Net, 2021, p. 9, <https://bit.ly/41QzKMmu>; Loewe M., Social Security in Egypt an Analysis and Agenda for Policy Reform, 2000, p. 11, <https://bit.ly/3M3bi5s>; Devereux S., Social Safety Nets for Poverty Alleviation in Southern Africa, 2000, pp. 20 – 21; Economic Policy Research Institute, Social Security Take-up and the Means Test in South Africa, pp. 3, 5.

85 Human Rights Watch, Kazakhstan: Families Struggle to Enjoy Basic Rights, 2022, <https://bit.ly/3Z8Lulz>.

86 Ibid.

The system of registration in the special registry as a result of the assessment of the household's well-being, which is a necessary prerequisite for access to social benefits and is established in many countries, has been criticized by the UN Special Rapporteur on extreme poverty and human rights. It describes the systemic challenges that are characteristic of the mentioned system and are challenging in the direction of identifying vulnerable groups:⁸⁷

1. Such registration systems can never reach all socio-economically vulnerable individuals and households for various reasons (including geographical access problems). According to the Special Rapporteur, a significant part of such social registers cover less than 20 percent of households. The Rapporteur calls this phenomenon the paradox of registers; A mechanism that should facilitate inclusion of the neediest in social protection schemes may exclude them;
2. The system of proxy means-testing is problematic and there are substantial errors in the direction of inclusion of persons not living in poverty and exclusion of vulnerable groups. For example, Indonesia's targeted conditional cash assistance program (Keluarga Harapan) for people living in extreme poverty actually excludes about 85% of the poorest 20 % of the population; Pakistan (79%) and India (68%) also have high rates of exclusion of the same category of population;
3. Such systems are, in most cases, static in nature and cannot fully describe the dynamic nature of poverty, including the deterioration of the socio-economic condition of households and the need to receive an even larger dose of support.

On the other hand, many states try to base their social protection system or at least part of it on the principle of universality. Universal mechanisms are most common among social protection services towards old persons, people with disabilities and children.⁸⁸ According to the International Labor Organization's 2021 report, countries such as France, Germany, Denmark, Lithuania, Latvia, Estonia, Ireland, Libya and Romania have a universal child benefit system in place, while a universal old-age pension scheme operates in a number of countries, including developing ones, for example, Bolivia, Namibia and Tanzania.⁸⁹

87 Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter, A/HRC/50/38, 2022, Paras. 28 – 31.

88 International Labor Organization, World Bank Group, Universal Social Protection: Country Cases, 2016; Kidd S., Pro-poor or Anti-Poor? The World Bank and IMF's Approach to Social Protection, 2018, p. 1, <https://bit.ly/3BoneYS>.

89 International Labour Organization, World Social Protection Report 2020 – 2022, 2021, pp. 89, 173.

2.2. Attitudes of International Mechanisms towards Targeted Social Assistance

The UN Committee on Economic, Social and Cultural Rights, in its recommendations to a number of states, indicates the importance of using the TSA systems/services.⁹⁰ At the same time, the Committee also points out that the social protection system should only cover certain groups and cases when the state, within its maximum available resources, cannot cover all the risks and cases provided for by international standards.⁹¹ According to the UN Independent Expert on human rights and extreme poverty, TSA scheme can be considered an important mechanism in the fight against poverty, *supplementing the universal programs in the state* and reaching the most vulnerable people, especially when the scale of poverty in the country is small.⁹²

On the other hand, the UN Independent Expert on human rights and extreme poverty draws attention to the fact that despite the importance of the cash transfer system, which is relevant not only for the fight against poverty, but also for the realization of many rights, the shortcomings of its implementation may ultimately create challenges and become in conflict with the human rights obligations.⁹³ Furthermore, as the UN Special Rapporteur on extreme poverty and human rights points out, overused targeting increases the number of excluded people from the social protection system and, therefore, increases social inequality.⁹⁴

One of the main issues in analyzing the compliance of cash assistance services with international human rights standards is the targeting of the service. At the international level, it is believed that no TSA program can be flawless; Certain socio-economically vulnerable groups can be outside of the system, and less vulnerable people can be included in the system.⁹⁵ From a human rights perspective, the exclusion risks of socially and economically vulnerable

90 Committee on Economic, Social and Cultural Rights, Concluding observations on the seventh periodic report of Belarus, E/C.12/BLR/CO/7, 2022, Par. 34; Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of Bulgaria, E/C.12/BGR/CO/6, 2019, Par. 34.

91 Committee on Economic, Social and Cultural Rights, General Comment No. 19: the Right to Social Security (Art. 19), E/C.12/GC/19, 2008, Par. 59.

92 Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Paras. 35, 37.

93 Ibid., Par. 15; Freeland N., Do Targeting Techniques Tend to be Incompatible with the Human Rights Standards of Transparency and Access to Information? 2014, <https://bit.ly/3IdCqMi>.

94 Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter, A/HRC/50/38, 2022, Paras. 24, 26.

95 Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Par. 36; Human Rights Watch, Submission to the Office of the United Nations High Commissioner for Human Rights on the Rights of the Child and Social Protection, 2023, <https://bit.ly/3JfA804>.

individuals from the system are more problematic than the chances to find less vulnerable groups in the system.⁹⁶ From a human rights perspective, the means-testing method usually requires large financial, human and administrative resources from the state, while this system may leave many vulnerable people excluded from the program.⁹⁷

The aforementioned shortcomings of the TSA system are usually due to the complexity and accuracy of the system for assessing the socio-economic status of families/beneficiaries.⁹⁸ One of the important challenges in the functioning of the TSA system is the presence of technologies and algorithms, which may create threats of discrimination and social exclusion in the process of identifying eligible persons.⁹⁹

Weaknesses in the TSA system were particularly evident during the COVID-19 pandemic, when the targeted social safety net programs left many people in extremely vulnerable situations, including facing hunger, homelessness, and other acute social problems.¹⁰⁰ Although many states around the world have implemented substantial measures in the direction of social protection, a significant part of them were still targeted and could not provide adequate support to people who had the acute needs.¹⁰¹ Ultimately, such social protection measures made the challenges in the system even more apparent and, in some cases, reinforced existing inequalities.¹⁰²

Given the problematic nature of the TSA systems, a number of international instruments (see Chapter 1.1.1), relevant international mechanisms (including the UN Independent

96 Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Par. 36.

97 *Ibid.*, Par. 38.

98 *Ibid.*, Human Rights Watch, Submission to the Office of the United Nations High Commissioner for Human Rights on the Rights of the Child and Social Protection, 2023, <https://bit.ly/3JfA804>; ODI/UNICEF, “Universal Child Benefits: policy issues and options,” 2020, p. 79, <https://uni.cf/3YIXwgC>; Human Rights Watch, “I Must Work to Eat”, Covid-19, Poverty, and Child Labor in Ghana, Nepal, and Uganda, 2021, p. 17, <https://bit.ly/3ISigHc>; Human Rights Watch, IMF/World Bank: Targeted Safety Net Programs Fall Short on Rights Protection, 2022, <https://bit.ly/3Zq723J>; Human Rights Watch, World Bank Guidance for Universal Social Protection is Lacking, 2022, <https://bit.ly/3KZFiyz>.

99 Report of the Special Rapporteur on Extreme Poverty and Human Rights, A/HRC/38/33, 2018, p. 40; Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, p. 38.

100 International Labour Organization, World Social Protection Report 2020 – 2022, 2021, p. 72; Human Rights Watch, IMF/World Bank: Targeted Safety Net Programs Fall Short on Rights Protection, 2022, <https://bit.ly/3Zq723J>.

101 Human Rights Watch, IMF/World Bank: Targeted Safety Net Programs Fall Short on Rights Protection, 2022, <https://bit.ly/3Zq723J>.

102 *Ibid.*

Expert on Human Rights and Extreme Poverty, the UN Committee on Economic, Social and Cultural Rights, the UN Committee on the Rights of the Child, as well as the International Labor Organization¹⁰³), as well as researchers¹⁰⁴ working in this field emphasize the need of the social security system to be universal.¹⁰⁵ A universal social security system, on the other hand, includes the complete coverage of people and life risks, as well as the adequacy of protection.¹⁰⁶ Such systems ensure the implementation of the human right to social protection, are consistent with the principles of protection of human dignity, equality and prohibition of discrimination, increase the trust of the population towards state institutions and reduce stigma.¹⁰⁷

It should be noted that one of the reasons for states' rejection of the universal system is the lack of financial resources. Additionally, according to the UN Independent Expert on human rights and extreme poverty, such mechanisms are financially accessible even for low-income countries, and administrative costs in such cases are relatively low.¹⁰⁸

International human rights law experts are also actively discussing universal basic income schemes. This issue was addressed by the UN Special Rapporteur on extreme poverty and human rights, who criticized the TSA method and once again emphasized the importance of the universal social protection mechanism in the way of overcoming poverty. In addition, the Special Rapporteur underlined the main features of the universal basic income mechanism: 1. Guaranteed minimum income; 2. Regularity of assistance;

103 See, International Labour Organization, R202 – Social Protection Floors Recommendation, 2012 (No. 202), Par. 3. <https://bit.ly/3kXqsxE>.

104 Kidd S., Protecting the Right of Access to Social Security Benefits, 2014, <https://bit.ly/3BpiAcS>; Snyder Jr. J. M., Yackovlev I., Political and Economic Determinants of Changes in Government Spending on Social Protection Programs, 2000, p. 11, <https://bit.ly/3MaHXFU>; Wilson W. J., The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy, 1987.

105 Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Par. 24; Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Belarus, CRC/C/BLR/CO/5-6, 2020, Par. 35; Committee on Economic, Social and Cultural Rights, Concluding observations on the fifth periodic report of Nicaragua, E/C.12/NIC/CO/5, 2021, Par. 31; Human Rights Watch, IMF/World Bank: Targeted Safety Net Programs Fall Short on Rights Protection, 2022, <https://bit.ly/3Zq723J>.

106 International Labour Office, Universal Social Protection: Key Concepts and International Framework, 2019, pp. 1 – 2.

107 Human Rights Watch, Submission to the Office of the United Nations High Commissioner for Human Rights on the Rights of the Child and Social Protection, 2023, <https://bit.ly/3JfA804>; Human Rights Watch, “I Must Work to Eat”, Covid-19, Poverty, and Child Labor in Ghana, Nepal, and Uganda, 2021, p. 18, <https://bit.ly/3ISigHc>; See, for example, Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Par. 34.

108 Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, A/HRC/11/9, 2009, Par. 34.

3. Monetary type of assistance; 4. Individual nature of support; 5. Providing unconditional support; 6. The universal character of the aid.¹⁰⁹ Several organizations support the universal basic income scheme and suggest that this mechanism is a prerequisite for a fair distribution of wealth.¹¹⁰

To ensure the creation of universal social protection systems for countries, the Global Partnership for Universal Social Protection (USP2030) was created within the framework of the United Nations, which covers important actors as members.¹¹¹ The main working methods of the actors are based on the following principles: 1. Providing protection during the life cycle; 2. Provision of universal coverage; 3. Prioritization of the issue at the national level; 4. Sustainable and fair funding; 5. Ensuring participation and social dialogue. Clearly, provision of a universal social protection system is a rather complex and, at the same time, difficult process and requires significant efforts from the states. It cannot be considered synonymous with universal support schemes, which in turn provide assistance to particular groups, or guarantee universal health care or a universal minimum income.¹¹² Obviously, programs of a universal nature represent an important step forward in the direction of providing universal social protection, although the above goal can be achieved by combining several efficient services/schemes.¹¹³

109 Report of the Special Rapporteur on extreme poverty and human rights, A/HRC/35/26, 2017, Paras. 9 – 16.

110 Ibid., Par. 33; see, also Global Basic Income Foundation – <https://bit.ly/42WS3A8>; World Basic Income – <https://bit.ly/43cb1SK>.

111 Together to Achieve Universal Social Protection by 2030 (USP2030), A Call for Action, 2019, <https://bit.ly/45dFCkW>.

112 International Labour Office, Universal Social Protection: Key Concepts and International Framework, 2019, pp. 3 – 4.

113 Ibid.

3. Interrelation between the TSA System and Other Social Services – Analysis of the Current Situation in Georgia

The social protection system in Georgia consists of different types of benefits, including targeted social allowance/TSA (including social allowance for minors), the social package for persons with disabilities, old-age pension, and cash benefits in case of temporary inability to work or loss of breadwinner.¹¹⁴ Except for the TSA program, all major services are designed for individuals (not households). Furthermore, the country's system still does not provide the important benefits related to the life cycle, for example, survivor support for adults and unemployment insurance.¹¹⁵

Currently, the social assistance system in the country includes the following components: 1. Direct financial assistance system, which is provided by the central and municipal authorities on a regular and/or one-off basis; 2. Indirect financial assistance, which is provided by the central or local government in the form of various types of subsidies; 3. Services that represent additional assistance provided by both levels of government to families or individuals.

According to the International Labor Organization, by 2020, approximately 40 % of the population of Georgia enjoyed at least one benefit of social protection,¹¹⁶ while according to the UNICEF study, 67% of households receive at least one type of assistance (old age pension, social package, TSA).¹¹⁷ It is noteworthy, the society considers the TSA system the most problematic, which is mainly caused by the design of the service and the proxy means-testing, which, in turn, leads to the exclusion of individual households in need.¹¹⁸

The establishment of the current social security system in Georgia commenced in 2004. The TSA mechanism began its functioning in 2006 and foresaw the provision of regular cash assistance to the population living in extreme poverty.¹¹⁹ According to the data of March 2023, the

114 International Labour Organization, UN Women, Assessment of the Social Protection System in Georgia, Final Report, 2020, p. 17.

115 Ibid., pp. 1, 19 – 20.

116 Ibid., pp. 1, 17.

117 UNICEF, Georgia: Social Protection System Readiness Assessment, 2020, p. 5.

118 International Labour Organization, UN Women, Assessment of the Social Protection System in Georgia, Final Report, 2020, p. 2.

119 European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Institute of Social Studies and Analysis, Social Protection and Social Inclusion in Georgia, 2011, p. 56.

number of TSA beneficiaries equaled 676 641,¹²⁰ which is historical maximum when it comes to the number of service recipients. As of June 2023, the number of beneficiaries is decreased slightly and equals 660 265 persons.¹²¹ In addition, the funding allocated to the operation of the program increases every year. For example, in 2021, the amount spent for service provision was 440 692 625 GEL, in 2022 – 620 855 944 GEL, while according to the data of six months of 2023, the amount of funds allocated for this purpose is already 343 858 417 GEL.¹²²

3.1. General Regulatory and Programmatic Framework

According to the Constitution of Georgia, Georgia is a social state, which, *inter alia*, implies that the state should:

- strengthen the principles of social justice, social equality and social solidarity in society;
- ensure equal socio-economic development in the entire territory of the country;
- ensure healthcare and social protection, provision of the subsistence minimum and adequate housing, and protection of the well-being of the family.¹²³

In parallel with the general constitutional regulation, the Law of Georgia “On Social Assistance” and the Resolution N 145 of the Government of Georgia “On Social Assistance” have been in force in the country since 2006. They describe the principles and general framework of the implementation of the social assistance system in Georgia. It is noteworthy, that the Law of Georgia “On Social Assistance” does not associate the receipt of social assistance with an unconditional right guaranteed by the law and underlines the issue of the targeted allocation of resources to persons in need of special care, families living in extreme poverty and homeless persons.¹²⁴

The law refers to the TSA as one of the forms of social assistance¹²⁵ and emphasizes that it is monetary social assistance intended for the improvement of the socio-economic

120 N.B. The mentioned number also includes the TSA recipients who are involved in the state program for the promotion of public employment and whose social benefits are guaranteed for four years; see, LEPL – Social Service Agency, Statistics – Social Allowance, <https://bit.ly/42nCSPE>.

121 Ibid.

122 Ibid.

123 Constitution of Georgia, 1995, Art. 5.

124 Law of Georgia “On Social Assistance”, Art. 5.

125 N.b. According to the law, other types of social assistance are – reintegration allowance, foster care allowance, adult family care allowance, non-monetary social assistance and social package; see, Law of Georgia „On Social Assistance“, Art. 6.

condition of families living in extreme poverty identified by the assessment system.¹²⁶ A family that is registered in the unified database of socially vulnerable families and whose rating score is lower than the statutory threshold, has the right to receive TSA.¹²⁷ According to the legislation, such a threshold is 65 001 points for households and 120 001 points for families with a child under the age of 16.¹²⁸ The monetary assistance provided for each family member is related to the rating point and ranges from 30-60 GEL per month, while the assistance for a minor under the age of 16 is equal to 200 GEL.¹²⁹

According to the Georgian legislation, the families receiving TSA are identified through the socio-economic assessment system (using the proxy means-testing), which covers the assessment of various directions, inter alia, the employment status and income, having housing or other real estate; Utility bills, health status and more.¹³⁰

Along with the above-mentioned legal framework, the social programs approved annually by the Government of Georgia and the municipal councils should be noted. These programs are designed for various groups in socio-economic vulnerability:

- The State Program of Social Rehabilitation and Child Care aims to ensure the realization of the rights of persons with disabilities, children, and the elderly through the provision of social services, improvement of physical and social conditions, and integration into society;
- The state employment promotion program, which intends to develop and implement an active labor market policy and employment promotion programs. It also seeks to increase the competitiveness of job seekers and promote their employment, as well as to implement an active labor market policy towards socially vulnerable persons by promoting their employment in public works and providing social assistance;
- Annual budgets of municipalities, in which social protection is usually listed as a separate component and/or sub-components, while its content varies by municipality.

The main aim of the following subsections is to analyze the content of the above-mentioned programs and identify their interrelation with the TSA points.

126 Ibid., Art. 7(2).

127 N 145 Resolution of the Government of Georgia “On Social Assistance”, Annex N 1, Art. 5(1).

128 Ibid., Arts. 6(3), 7(2).

129 Ibid., Art. 6(3).

130 See, Resolution N 758 of the Government of Georgia of December 31, 2014 “On approval of the methodology for assessing the socio-economic status of socially vulnerable families (households)”.

3.2. Correlation of the TSA Score with the Central Level Services

The previous subsection pointed out that the content of social protection services for different groups is scattered in different types of legislative acts and bye-laws. As a result of the analysis, it is possible to identify their correlation with the status of the socially vulnerable family and the TSA score.

Issues of social assistance are mainly regulated by the law of Georgia “On social assistance” and the Government Resolution of the same name, although a number of benefits are enshrined outside the mentioned framework. For example, in the form of social assistance available at the central level, the old age pension should be noted, which does not depend on the socio-economic vulnerability of the person and is provided for the population from the ages of 60 (for women) and 65 (for men).¹³¹ It should also be noted that the right to old age pension does not arise and the already arisen right is paused during the period of civil service by a person.¹³² Along with the pension, state compensation is also relevant for certain groups, which is assigned to a person due to the performance of special service and is connected with reaching the retirement age, having the status of a person with disabilities and/or the death of a breadwinner and/or a family member.¹³³ Just like the old-age pension, the mentioned benefit is tied to specific statuses and cases and does not take into account the socially vulnerable status of a person and the presence of a TSA score. At the central level, the household subsidy is another benefit, which involves the provision of monthly monetary assistance to social groups defined by law¹³⁴ to meet household-communal needs.¹³⁵

On the other hand, the Law “On Social Assistance” and the Government Resolution “On Social Assistance” provide several forms of social assistance that are addressed to different groups.

131 The Law of Georgia “on State Pension”, Art. 5 (1).

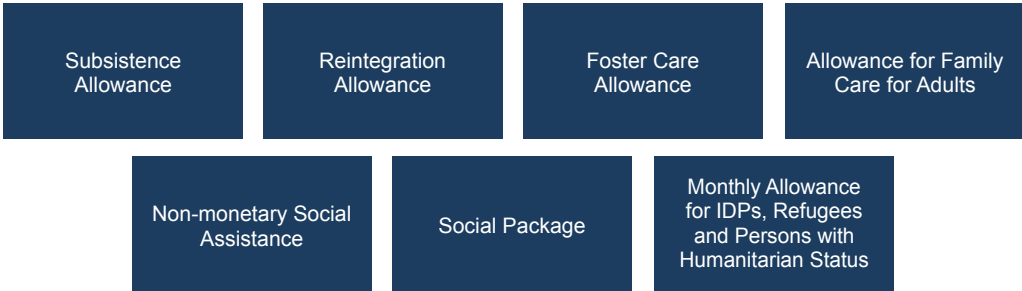
132 Ibid., Art. 5 (3).

133 See, Law of Georgia “on State Compensation and Academic Stipends”, Art. 5.

134 For example, persons with disabilities or family members of the deceased person as a result of World War II, combat operations on the territory of other states and combat operations for the territorial integrity, freedom and independence of Georgia; participants of the Second World War and persons equal to them; Veterans of the Defense Forces of Georgia; Persons recognized as victims of political repression and their family members who are unable to work; persons with disabilities as a result of the crackdown on the April 9, 1989 rally, family members of the dead, who are unable to work or affected persons and others; See, Resolution of the Government of Georgia of January 11, 2007 “On Monetization of Social Benefits”, Annex N. 1, Art. 4.

135 See, Resolution of the Government of Georgia of January 11, 2007 “On Monetization of Social Benefits”, Annex N. 1, Arts. 2 – 3.

Table N 1. Forms of social assistance under the Law and Resolution of Government “on Social Assistance”.



The social package is a monthly payment for different groups, which is established on the central level.¹³⁶ It is designed for certain categories of persons with disabilities,¹³⁷ survivors, recipients of state compensation,¹³⁸ persons recognized as victims of political repressions, combatants on the territory of other states and combatants for the territorial integrity, freedom and independence of Georgia. The prerequisite for using the social package is the person’s status, and the provision of this benefit does not depend on the status of the socially vulnerable and the TSA score.

The reintegration allowance is monetary social assistance, the provision of which is not dependent on the registration in the socially vulnerable families’ register and the TSA

136 See, N 279 Resolution of the Government of Georgia of July 23, 2012 “On Approval of Social Package”, Art. 5.

137 Persons with severe disabilities, persons with significant disabilities, certain categories of persons who have a moderate disability status (persons with the status of disability from childhood, who have been established as a moderate disability status after reaching the age of 18; persons with moderate disabilities as a result of fighting for the territorial integrity, freedom and independence of Georgia or as a result of combat operations in the territory of other states), children with disabilities.

138 The parent who lost 2 or 3 sons/daughters, as provided for in paragraph 2 of Article 1 of the Law of Georgia “On Social Protection of the Families of Those Who Died for the Territorial Integrity, Freedom and Independence of Georgia, Missing and Died as a Result of Wounds”; Single parent who is unable to work as provided by Article 4 of the Law of Georgia “On Social Protection of the Families of Those Who Died for the Territorial Integrity, Freedom and Independence of Georgia, Missing and Died as a Result of Wounds”; Persons with disabilities as a result of combat operations for the territorial integrity, freedom and independence of Georgia and combat operations on the territory of other states; parent, spouse and son/daughter of those who died in combat operations for the territorial integrity and independence of Georgia, and who are unable to work; participants of combat operations on the territory of other states and combat operations for the territorial integrity, freedom and independence of Georgia; parent, spouse and son/daughter of soldiers who died during or after hostilities on the territory of other states, as well as warriors who died during hostilities for territorial integrity, freedom and independence, and who are unable to work; Defense Forces veterans reaching retirement age; Persons recognized as victims of political repression, and in case of the death of a person recognized as a victim of political repression, his/her parent, spouse, and son/daughter who are unable to work.

score. The allowance is intended for the biological family of a person in need of special care, in particular, for the guardian/carer, who will take the person out of a specialized institution to live in a family environment and provide him/her with proper care.

On the other hand, one of the services provided by the Law “On Social Assistance” and the Law “On Adoption and Foster Care” – foster care allowance depends on the registration in the Register of socially vulnerable households and the TSA score. The mentioned service involves the provision of monthly monetary social assistance to foster carers for the care and upbringing of minors (including children with disabilities).¹³⁹ According to the existing legislation, the family of a person willing to be a foster parent must be registered in the database of socially vulnerable families and his/her rating score must exceed 120 000 points at the time of registration as a foster parent.¹⁴⁰ According to the regulations, receipt of foster care allowance excludes receipt of subsistence allowance.¹⁴¹ It should be noted that the condition concerning the TSA scores and the receipt of subsistence allowance does not apply in the case of relative foster care.¹⁴²

A similar condition is imposed in the case of another benefit provided by the law – allowance for family care for adults. The mentioned mechanism is monetary social assistance intended for a person who will take an adult from a specialized institution to a family environment and provide proper care.¹⁴³ As in the case of foster care, the caregiver cannot be a person whose family status has been assessed and whose TSA score is lower than the score set by the Government (*N.B: the regulation concerning the score is not publicly available*).¹⁴⁴

Another benefit is defined by the Law “On Social Assistance” and the Government Resolution “On Social Assistance” – the monthly allowance for IDPs, refugees and persons with humanitarian status. Receiving assistance is not tied to the status of a socially vulnerable person. It should be noted that the provision of the allowance for IDPs is terminated after the family consents to receive the social allowance.¹⁴⁵

139 Law of Georgia “On Social Assistance”, Art. 10.

140 Resolution N 145 of the Government of Georgia of July 28, 2006 “On Social Assistance”, Art. 106(1); See also, Law of Georgia “On Adoption and Foster Care”, Art. 71(g).

141 Resolution N 145 of the Government of Georgia of July 28, 2006 “On Social Assistance”, Art. 10⁶(2).

142 *Ibid.*, Art. 10⁶(1).

143 *Ibid.*, Art. 10⁷; Law of Georgia “On Social Assistance”, Art. 11.

144 Order N 01-27/n of the Minister of Labor, Health and Social Protection of Georgia of April 29, 2014 “On approval of the rules and conditions for the provision, suspension, renewal and termination of family care pay for adults”, Annex N 1, Art. 5 (3)(e).

145 Law of Georgia “On internally displaced persons from the occupied territories of Georgia – IDPs”, Art. 11.

It should be emphasized that for IDPs living in an extremely difficult economic situation, a one-time monetary aid is foreseen,¹⁴⁶ and the provision rules of this benefit are approved by the Order of the Minister of Internally Displaced Persons from Occupied Territories, Labor, Health and Social Affairs of Georgia. The mentioned act enshrines the provision of monetary assistance to several groups by the decision of the director of the IDPs, Eco-migrants and Livelihoods Agency, at most once every 6 months. Recipients of the support can be the persons such as people with severe disabilities, large families, persons with the status of war veteran, orphan, single parent, widow and/or victim of domestic violence, as well as residents of damaged housing. It is noteworthy that the Order also envisages the possibility of providing such one-time financial assistance to the IDPs with socially vulnerable status, in particular, the basis for the provision of monetary support to the above-mentioned group is: 1. registration in the database of socially vulnerable families and having a rating score of fewer than 30 001 points; 2. The need for surgery for those with a rating score of less than 100 001 points; 3. Death of a family member for those with less than 100 001 points.¹⁴⁷

The provision of one-off financial benefit for IDPs (in the range of 150-1000 GEL) is also foreseen by the Order of the Minister of Internally Displaced Persons – IDPs from the Autonomous Republic of Abkhazia, which defines several vulnerable target groups, including IDPs with severe social conditions, victims of natural disasters or accidents, IDPs over 100 years old, persons who have lost their livelihood and others. It is worth noting that the Order also singles out the TSA recipients, to whom it is possible to receive one-off cash assistance: 1. IDPs with the status of person with severe disabilities (with up to 30 000 rating points) – 150 GEL; 2. IDPs who have lost their breadwinners (with up to 30 000 rating points) – 150 GEL; 3. Children with a disabilities (with up to 30 000 rating points) – 200 GEL; 4. Persons with oncological diseases (with up to 30 000 rating points) – 200 GEL; 5. Veteran (with up to 30 000 rating points) – 100 GEL.¹⁴⁸

146 N.B. The above-mentioned act regulating the provision of benefits does not specify the minimum and maximum threshold of the cash transfer.

147 Order N 01-28 of the Minister of Internally Displaced Persons from Occupied Territories, Labor, Health and Social Affairs of Georgia, “On Approval the Provision of Cash Benefits”, Annex N 1, Art. 3.

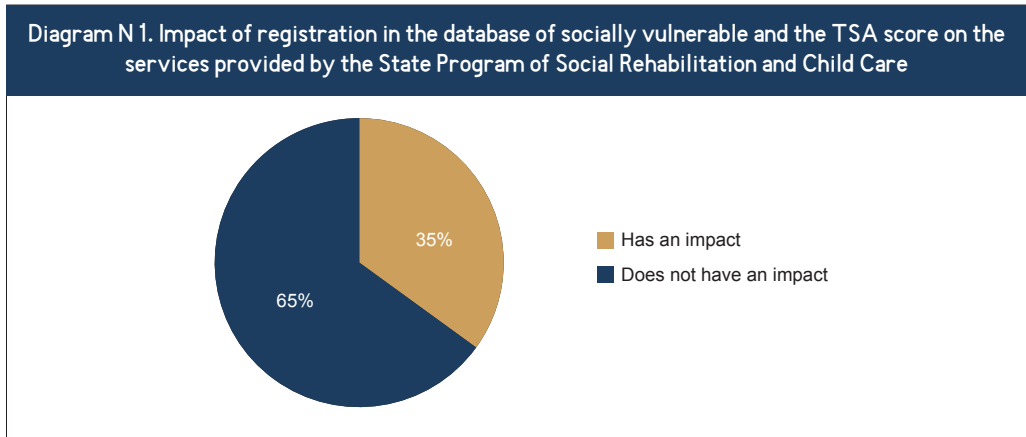
148 Order of the Minister of Internally Displaced Persons from the Autonomous Republic of Abkhazia of February 7, 2023 No. 06-Z/S “On approval of the procedure for the implementation of programs for improving the social condition of certain categories of internally displaced persons from the Autonomous Republic of Abkhazia”, Annex N 1, Arts. 3, 5.

The same Order provides for other types of assistance for those with a TSA score; In particular,

- Provision of up to 300 GEL for a maximum of 3 months aiming at provision IDPs with temporary housing, is designed for socially vulnerable IDPs with up to 65 000 rating points, along with other target groups;
- Provision of the IDPs living in special settlements, where complete rehabilitation works have not been carried out, with repair/construction materials (the amount assistance is foreseen within 1,000 GEL) is exclusively directed to IDPs with socially vulnerable status – 1. A single socially vulnerable person whose score is up to 100 000 points; 2. A family, the majority of whose members are people of retirement age and whose score is up to 100 000 points.¹⁴⁹

For the provision of non-monetary social assistance and support means, as mentioned above, the relevant mechanisms foreseen by the State Program of Social Rehabilitation and Child Care, as well as the State Program of Employment Promotion. The analysis of the services provided by the State Program of Social Rehabilitation and Child Care shows that the status of socially vulnerable and the TSA score are not necessary prerequisites for inclusion in these programs. In addition, concerning individual services, the priority order of inclusion in these services can be determined by the registration fact and the TSA score.

Diagram N 1. Impact of registration in the database of socially vulnerable and the TSA score on the services provided by the State Program of Social Rehabilitation and Child Care



149 Ibid., Arts. 4, 8 (4).

Table N 2. Components provided by the State Program of Social Rehabilitation and Child Care where the TSA score does not have an impact

| |
|---|
| Provision of services in daycare centers (for persons with disabilities) |
| A component of the provision of hearing devices |
| Component of provision of bathroom/toilet support chairs |
| Component of provision of crutches, canes, and walking frames |
| Sub-program for promoting communication of persons with hearing loss |
| Sub-program for service provision in community organizations |
| Sub-program for promotion of rehabilitation of war veterans |
| Sub-program for provision of home care service |
| Sub-program of Mother and Child Shelter |
| Sub-program of foster care (N.B: the TSA score is relevant for foster parents) |
| Sub-program for service provision in small family-type houses |
| Sub-program for providing shelter for homeless children |
| Specialized family-type service for children with severe and profound disabilities or health problems |
| Sub-program for the reintegration of children deprived of care |
| Sub-program for support of young people aged 18-21 who have left the state care system |
| Sub-program for provision of food for young people aged 18-21 who have left the state care system |
| Sub-program for long-term pediatric care of the medical-social center |

Table N 3. Components provided by the State Program of Social Rehabilitation and Child Care where the TSA score has an impact

| Sub-program | Impact of the TSA score |
|--|---|
| Sub-program for the provision of assistive devices and technologies | <p>The following groups have the preferential right to be satisfied with assistive devices and technologies:</p> <ul style="list-style-type: none"> • Children with disabilities, whose members of families are registered in the database for socially vulnerable, whose TSA score does not exceed 120 000 points (fourth in order); • Persons with disabilities, whose members of families are registered in the database for socially vulnerable, whose TSA score does not exceed 120 000 points (sixth in order). |
| <p>Component of provision of wheelchairs and promotion of employment of persons with disabilities</p> <p><i>(N.B. This component is part of the Sub-program for the provision of assistive devices and technologies)</i></p> | <p>Within 100% of the funding limit of the mechanical wheelchair voucher, the members of the families registered in the database of socially vulnerable with the rating score up to 120 000 points at the time of the commission's decision to provide the voucher, are financed.</p> <p><i>(N.B. Under the program, those who remain outside the priority circle in general, are financed within the limits of 90% of the voucher financing limit, with 90% of the cost of the wheelchair).</i></p> |

**The Role of Targeted Social Assistance in the Social Protection System
and Its Connection with Other Social Support Services**

| | |
|---|--|
| <p>Component of provision of prosthetic-orthopedic means <i>(N.B. This component is part of the Sub-program for the provision of assistive devices and technologies)</i></p> | <p>Along with other groups, 100% of the voucher provided under the component is financed for the members of the families registered in the database of the socially vulnerable with a rating score of up to 120 000 points at the time of the commission's decision to provide the voucher. <i>(N.B. Under the program, those who remain outside the priority circle in general, are financed within the limits of 90% of the voucher financing limit, with 90% of the cost of the service).</i></p> |
| <p>Component of providing persons with hearing loss with a technical device (smartphone) with a video conferencing function <i>(N.B. This component is part of the Sub-program for the provision of assistive devices and technologies)</i></p> | <p>During the provision of the smartphone, preference is given to persons who are registered in the database of socially vulnerable families and have been assigned less than 120 000 rating points.</p> |
| <p>Sub-program for providing personal assistant services</p> | <p>When deciding on inclusion in the program, socially vulnerable persons/children with disabilities are given priority (first place in order).</p> |
| <p>Sub-program for promotion of early development of children</p> | <p>At the time of decision-making by the state care agency, priority is given to children of families registered in the database of socially vulnerable with a rating scores below 120 001 points, whose families have the lowest TSA score on the day of applying for the inclusion in the service (seventh place in the order).</p> |
| <p>Sub-program of child rehabilitation/habilitation</p> | <p>During inclusion in the sub-program, the following persons are prioritized by the state care agency, along with other groups:</p> <ul style="list-style-type: none"> • Children living in socially vulnerable families with rating scores up to 120 001 points (sixth place in the order of priorities). • It is possible to make a prioritization according to the order of the date of the application. In this case, the preference is given to families with a lower TSA score on the day of submission of the application. |
| <p>Sub-program of assistance to families with children in crisis</p> | <p>During the provision of food products for children within the framework of the sub-program, registering in the registry of socially vulnerable families and having a scores of less than 65 001 points is one of the alternative prerequisites for inclusion in the component. Additionally, the mentioned condition is in the last place to prioritize beneficiaries by the care agency.</p> |
| <p>Sub-program for provision of services in daycare centers (children with and without disabilities between 6 and 18 years of age)</p> | <p>One of the groups of beneficiaries of the sub-program is children aged 6 to 18 years, whose families are registered in the database of socially vulnerable and whose rating points do not exceed 120 000 points on the day of submission of the application for inclusion in daycare center services.</p> |
| <p>Sub-program for provision of homecare service for children with severe and profound problems in development</p> | <p>When enrolling in the sub-program, priority is given to families registered in the unified database of socially vulnerable and having a rating of up to 120 000 points (third place in the order of priorities).</p> |

Along with the state program of Social Rehabilitation and Child Care, the State Program of Employment Promotion, which is approved annually by the Government of Georgia, is also relevant for the research. The current program consists of three main directions: 1. Sub-program for employment promotion services development; 2. Sub-program for raising the professional qualifications of job seekers and 3. Sub-program for promotion of employment in public works.

The above-mentioned sub-programs consist of separate measures/services, the declared purpose of which is to activate the labor market and support various vulnerable groups. The constituent components of the sub-programs differ from each other in terms of content, however, the prerequisite for inclusion in individual components is registration in the unified database of socially vulnerable families and the TSA score. These mechanisms are:

- *Development and implementation of mechanisms promoting the employment of vulnerable, less competitive groups* – along with other groups, the beneficiary of the service can be a person who is 16-29 years old and whose family is registered in the unified database of the socially vulnerable, and whose rating score does not exceed 120 000 points;
- *Vocational training/retraining and qualification raising of job seekers* – during the inclusion in this component, socially vulnerable persons whose rating points do not exceed 120 000 points, along with other vulnerable groups, are given priority;
- *Sub-program for public works employment promotion* – this sub-program was created directly for the socially vulnerable population (with less than 120 000 points) and aims to promote public works employment and economically activate the socially vulnerable.

Along with the above-mentioned services at the central level, it is also essential to analyze the support measures taken by the government during the COVID-19 Pandemic. In May 2020, the Government approved a targeted state program to mitigate the damage caused by the pandemic.¹⁵⁰ According to the program, the circle of compensation recipients was determined, among whom were employees whose pay was suspended/ceased during the pandemic; persons with severe disabilities and children with disabilities; Also, individual entrepreneurs, natural persons with small business status and individuals paying fixed taxes, as well as individuals with micro business status. The government defined the rating score of socially vulnerable persons as the main criterion within the framework of support for people living in poverty. In particular, support was given to:

150 See, Resolution N 286 of the Government of Georgia of May 4, 2020 “On approval of the targeted state program for mitigating the damage as a result of the infection (COVID-19) caused by the new coronavirus (SARS-COV-2).

- Families registered in the unified database of socially vulnerable, whose rating score is more than 65 000 points and less than 100 001 points, specifically, those households that did not receive the right to social allowance as a result of the initial assessment;
- Families registered in the unified database of socially vulnerable, whose score is less than 100 001 points and who have three or more minors (up to 16-year-olds).

Other persons living in poverty, who, depending on the context of the pandemic, need direct social assistance from the state, actually remained outside the Government's vision/actions. In this regard, an exception was the subsidy on utility bills (for three months), the granting of which depended on the scale of monthly consumption of electricity and natural gas,¹⁵¹ and not on the socially vulnerable status of the population.¹⁵² The above once again indicates the dependence of the state's social policy, including the measures acceptable during the crisis, on the status of the socially vulnerable, the TSA score, and the ignorance of the rest of the beneficiaries.

In the end, as can be seen from the analysis of the mechanisms available at the central level, the status of the socially vulnerable and the TSA score is relevant in the process of receiving some services. In particular, certain programs (such as, for example, the sub-program for the promotion of employment in public works) are directly focused on persons with socially vulnerable status, while certain programs (for example, the sub-program for the provision of assistive devices and technologies, and the sub-program for the provision of personal assistant services) prioritize the status of a socially vulnerable person and the TSA score in the process of service provision and/or uses this status and the score to provide full voucher financing. Dependence on the status of the socially vulnerable person and the TSA score can be seen in the measures taken by the Government during the COVID-19 Pandemic, when, ignoring other people living in poverty, the executive authorities covered only families with a specific TSA score with the measure of social assistance.

151 Less than 200 kilowatts – in the case of electricity, less than 200 m³ – in the case of natural gas.

152 Government of Georgia, Report on measures taken by the Government of Georgia against COVID-19, 2020, p. 54.

3.3. Correlation of the TSA Score with the Municipal Services

At the municipal level, different types of support are provided for persons and households with different vulnerabilities. Their design and operational area differ according to the municipalities, however, a significant part provides one-off or regular (assistance for several months or limited to the entire fiscal year) financial assistance to certain groups.¹⁵³

Coordination between services at the central and municipal levels and the absence of an institutionalized system of information exchange between levels of government are essential to achieve the effectiveness of Georgia's social protection policy. At the same time, this issue is one of the biggest challenges in the country.¹⁵⁴ The absence of an information system that would gather information about recipients of social benefits and, among other things, prevent duplication of services and services is challenging.¹⁵⁵ The lack of a mechanism for evaluating and monitoring the mentioned programs at the level of the central government is also problematic,¹⁵⁶ which may further deepen the inequality among the socio-economically vulnerable population.

As can be seen from the analysis of municipal budgets, in practically all regions of Georgia (with the exception of Mtskheta-Mtianeti), municipalities require registration in the database of socially vulnerable people and a TSA score as a prerequisite for inclusion in social services. However, the points threshold in each municipality is different and often does not coincide with the threshold point for providing social allowance (65 000 points). Moreover, in some cases, the points threshold for different services is different even within the municipality itself.

Social protection services, for which millions of GEL are allocated every year throughout Georgia, are exclusively intended for those persons and households who are registered in the database of the socially vulnerable and have been assigned the TSA score. Such budget funds in Tbilisi, according to the 2023 data, amount to 51 362 400 GEL, while in the regions, in total, exclusively for those with socially vulnerable status, about 16.5 million GEL is allocated.

153 UNICEF, *Social Assistance: Description and Recommendations (2014 – 2016), Analysis of Social Benefits/Assistance Provided to the Population of Georgia by Central and Municipal Governments*, 2017, p. 8.

154 International Labour Organization, UN Women, *Assessment of the Social Protection System in Georgia*, Final Report, 2020, p. 30; UNICEF, *Georgia: Social Protection System Readiness Assessment*, 2020, p. 13; State Audit Office, *Audit Report on the Effectiveness of the Promotion of Persons with Disabilities*, 2020, p. 32.

155 UNICEF, *Georgia: Social Protection System Readiness Assessment*, 2020, p. 13.

156 International Labour Organization, UN Women, *Assessment of the Social Protection System in Georgia*, Final Report, 2020, p. 30.

Diagram N 2. The amount provided for municipal services, which are fully linked to registration and TSA points, with the contrast of Tbilisi and regions

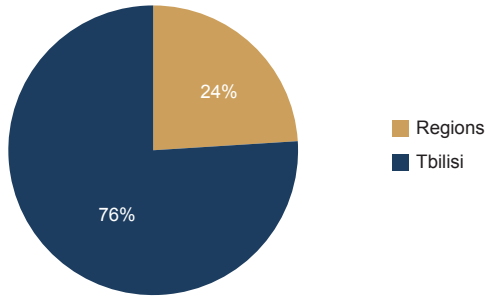
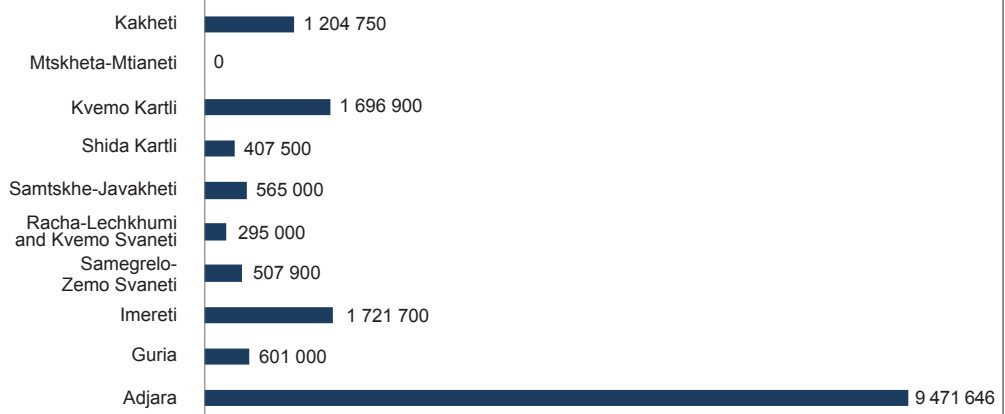
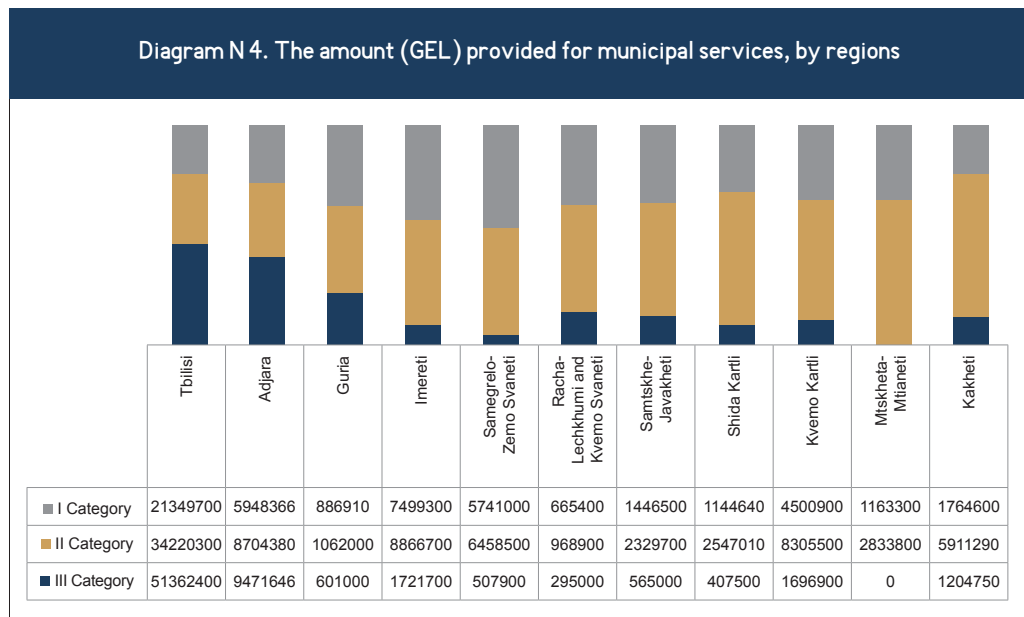


Chart N 3. The amount provided for municipal services (GEL), which are fully linked to registration and TSA points, by regions (except Tbilisi)



When analyzing social protection services at the municipal level, it is important to consider the prerequisites for inclusion in the mentioned programs and the possibilities for socially vulnerable families to receive different types of benefits. As a result of the study of local mechanisms, three types of services were identified:

| | |
|----------------------------|--|
| <p>I Category</p> | <p>Services that do not consider registration fact in the database of the socially vulnerable and the presence of the TSA score as a prerequisite for inclusion. In this category, there are mainly services that address specific groups and their needs, without confirming their social vulnerability. This may include services for persons with disabilities, children, large families, veterans, single parents, IDPs, the elderly, or other groups. They mostly involve one-off or regular payments.</p> <p>In some municipalities, there are support services for persons and households in a difficult socio-economic situation, mainly also in the form of cash grants, for which it is enough to establish the fact of vulnerability and poverty, without the relevant TSA points and assessment by the Social Service Agency.</p> |
| <p>II Category</p> | <p>This category covers services, some of which are exclusively directed to the population registered in the database of socially vulnerable, and some to various other groups, among which there may be both people with the status of socially vulnerable and those without such status.</p> <p>Taking into account the differences in the architecture of services, the share of services provided exclusively for persons with socially vulnerable status differs between municipalities and services. In some cases, the services are intended for such people, while a person without the TSA score can be included in the program only in special cases (for example, in the food provision programs in some municipalities). In some cases, only certain components of the services are available exclusively for people with the TSA score, and the rest of the components are distributed to the population with different statuses (among them there may be persons with socially vulnerable status).</p> |
| <p>III Category</p> | <p>This category includes services that operate exclusively for persons registered in the database of socially vulnerable families and have the TSA score. In most cases, the services provide one-off or regular financial assistance for those with a certain TSA score, as well as providing free meal services. In many cases, a prerequisite for inclusion in the services, along with the TSA score, is the presence of additional circumstances, for example, having children, the birth of a baby, etc.</p> |



As can be seen from the given table, the 2023 local budget envisages a total of 150 041 876 GEL of financing for the social protection programs belonging to the second and third categories, excluding individual components (components of health care, grant provision and co-financing of Red Cross activity), while within the first category about 100 000 million GEL less – 52 110 616 GEL is allocated to the services.

In addition, the majority of municipalities – 62 municipalities – consider the status of socially vulnerable and the TSA score as a prerequisite for inclusion in one or more social protection services. The municipalities of Adigeni and Lentekhi are rare exceptions, the contents of whose social protection programs do not include the requirement of registration in the database of the socially vulnerable and the presence of a specific score.

The mentioned data shows that with the passing of years, the services intended for socially vulnerable families with the TSA score are appearing in the programs of different municipalities. This reasoning is confirmed by the results of the 2017 research by the UNICEF, according to which 10 municipalities¹⁵⁷ did not use the scores of socially vulnerable families for inclusion in their social programs.¹⁵⁸

157 In the list of such municipalities, along with the above-mentioned two Municipalities (Adigeni and Lentekhi Municipalities), the Municipalities of Tsalenjikha, Chkhorotsku, Telavi, Mtskheta, Kazbegi, Aspinda, Terjola and Poti can be found.

158 UNICEF, Social Assistance: Description and Recommendations (2014 – 2016), Analysis of Social Benefits/Assistance Provided to the Population of Georgia by Central and Municipal Governments, 2017, p. 8.

It is worth noting that the analysis of local budgets does not cover various types of medical and healthcare expenses of the population, which are also usually tied to the status of the socially vulnerable and the corresponding score. If such funds are taken into account, the financial resources provided at the local level would increase significantly, compared to the amounts indicated above. In order to support the mentioned reasoning, within the framework of the research, one (though not the only) component of the social protection and health care programs was analyzed – the service of provision of medicines, which shows to which population group this important benefit applies.

As it turned out, the budgets of 39¹⁵⁹ out of 64 municipalities exclusively or partially foresee the provision of medicines and provision of financial assistance for this purpose to the population with the socially vulnerable status. In this case, the the threshold TSA point is also heterogeneous and depends on the choice of the municipality.

159 Municipalities of Tbilisi, Gurjaani, Telavi, Sagarejo, Kvareli, Dusheti, Tianeti, Kazbegi, Kaspi, Gori, Khashuri, Rustavi, Bolnisi, Gardabani, Dmanisi, Tetrtskharo, Marneuli, Adigeni, Akhalkalaki, Akhaltsikhe, Borjomi, Poti, Zugdidi, Martvili, Mestia, Senaki, Ambrolauri, Oni, Chokhatauri, Ozurgeti, Kutaisi, Baghdadi, Kharagauli, Batumi, Keda, Kobuleti, Shuakhevi, Khelvachauri and Khulo.

4. Correlation of the TSA Score to Services – Experiences of Vulnerable Groups

As mentioned in the previous chapter, the status of a socially vulnerable person and the presence of a corresponding score are essential for inclusion in a number of social protection services in the entire territory of Georgia. In order to in-depth study of the experience of vulnerable groups, on the one hand, an analysis of the programs of large municipalities (Tbilisi, Rustavi, Batumi and Kutaisi municipalities) and the information provided by them, and on the other hand, interviews with persons with disabilities, homeless and elderly were carried out.

Within the framework of the practical component of the research – interviews, the challenges that socially vulnerable groups face daily and which the Government should take into account during the planning and implementation of relevant policies were identified.

4.1. Description of Services Provided by Large Municipalities for Vulnerable Groups

Tbilisi, Kutaisi, Rustavi and Batumi Municipalities provide several services for the socially vulnerable population, which can be considered important mechanisms for ensuring the well-being of the research target groups. A prerequisite for inclusion in particular services is belonging to one or another group (e.g., persons with disabilities, children, and elderly), while certain benefits are only provided to persons with socially vulnerable status. In addition, according to the information received from particular municipalities,¹⁶⁰ data on recipients of social protection services is not processed according to the status of a socially vulnerable person. Therefore, it is impossible to estimate the extent of the exact involvement of the representatives of the mentioned group in the above-mentioned services.

It should be noted that important services such as the provision of free meals program, home care, and provision of medicines, as a rule, are intended only for the population with socially vulnerable status. The mentioned circumstances aggravate the socio-economic situation of the homeless groups, people with disabilities and the elderly who remain outside the system.

¹⁶⁰ Correspondence N 10-01230521931 of Tbilisi Municipality City Hall, 21.02.2023; Correspondence N P/15299019 of Kutaisi Municipality City Hall, 13.02.2023.

Table N 4. List of municipal social benefits for the socially vulnerable population

| Tbilisi | Rustavi | Batumi | Kutaisi |
|---|--|--|--|
| <ol style="list-style-type: none"> 1. Subsidy on utilities 2. Monthly support for each child under the age of 18 for socially vulnerable families with many children 3. Promoting the independent life of adults who have left small family-type homes 4. Resort services for children and teenagers with disabilities 5. One-off assistance for citizens who have reached 100 years of age 6. Financing the provision of services to the socially vulnerable population¹⁶¹ 7. Promotion of social care agency 8. Funding of medicines for socially vulnerable pensioners 9. Assistance measures for medical and other social needs 10. Assistance to war veterans 11. Purchase of housing for homeless families 12. Promotion of a day center for single elderly people 13. Free meals service 14. Ritual events of deceased warriors 15. Compensation of residents of destroyed houses 16. Assistance to war veterans in the districts 17. Other social (assistance) events in the districts 18. Maintenance of Tbilisi municipal shelter 19. Assistance to socially vulnerable persons with disabilities under the age of 18 20. Co-funding of "World Vision Georgia" daycare center for socially vulnerable children 21. Assistance to socially vulnerable persons with severe disabilities with vision impairment 22. One-off support for all newborns in socially vulnerable families 23. Co-financing of home care 24. Promotion of integration of persons with disabilities into society | <ol style="list-style-type: none"> 1. Funding provision of minimum food 2. Ritual services 3. Discount on the tax of drinking water 4. Discounts on municipal transport 5. Individual assistance programs 6. Assistance to senior citizens 7. Promotion of the Rustavi Home for the Elderly 8. Assistance to large families 9. Material support for the families of the participants in the combat operations 10. Assistance to persons with disabilities 11. Social support for students 12. Social assistance program 13. Independent living support program for young people leaving the state care system 14. Child protection and support program 15. One-time material assistance program for victims of violence with children 16. Co-financing of home care 17. Support program for dialysis patients | <ol style="list-style-type: none"> 1. Subsidizing utility service fees 2. Provision of cash assistance to vulnerable social categories 3. Subsidizing the fare for travel by municipal transport 4. Care and assistance of persons in need of care 5. Municipal free meals program 6. Temporary night shelter 7. Support of civil society organizations 8. Creation of minimum social conditions for vulnerable social categories 9. Support of persons with disabilities | <ol style="list-style-type: none"> 1. Provision of social housing utility costs 2. Assistance to large families 3. Ritual assistance 4. Social events 5. Promoting the improvement of living conditions of socially vulnerable families 6. Support of persons with special needs 7. Assistance to persons with disabilities 8. Free meals program¹⁶² 9. Assistance to cochlear implant beneficiaries 10. Support of persons suffering from malignant tumors 11. home care 12. Rehabilitation of children with autism spectrum disorders 13. Funding/co-funding of projects focused on the support of people with disabilities 14. Promotion of organizations working on the needs of persons with disabilities and homeless children 15. Assistance for single parents 16. Assistance to victims of domestic violence 17. "Assistance Program for Day Center Beneficiaries" of the project implemented by "SOS Children's Village" of Georgia 18. Assistance to people with early aggressive "HER-2" receptor positive diagnosis with medicines 19. Emergency response 20. Sub-program for home care of persons with mental problems 21. Support for the socially vulnerable, in particular: for newly created families and families with newborn children 22. Promotion of micro and small entrepreneurship by large families 23. Raising the quality of education for socially vulnerable children 24. International Day of Persons with Disabilities 25. Economic strengthening of families with children 26. Promotion of child development 27. Psycho-social support of cancer patients |

*N.B. Services in bold are available only to households/individuals registered in the database of the socially vulnerable and having the TSA score.

161 According to the budget of Tbilisi Municipality, the mentioned program includes financing the cost of education of children under 18 years old in student-youth homes, the National Palace of Student-Youth, art schools, sports schools and swimming pools.

162 N.B. As a rule, the mentioned program is addressed only to the socially vulnerable population.

4.2. Describing the Experiences of Vulnerable Groups

Homeless people are one of the most vulnerable groups in the country. Lack of access to adequate housing deprives them of the opportunity to realize practically all their rights and freedoms. The mentioned group, despite the need for special attention and effective measures from the state in the direction of support and strengthening, suffers from inaction and, in some cases, repression from the Government. The most vulnerable homeless group, people living on the street, are deprived of the opportunity to register in the database of the socially vulnerable, to be assigned TSA points and to receive support from the state. Refusal to register and assign a TSA score for this group means not only depriving the social allowance but also exclusion from other services linked to the TSA score, which puts them in an even more difficult situation.

It is noteworthy that years ago the Social Justice Center applied to the Constitutional Court of Georgia with the request to declare unconstitutional the norm that prevented persons living on the streets from registering in the database of socially vulnerable families.¹⁶³ In February 2017, the court accepted the application for the examination.¹⁶⁴ Although the hearings were completed, the court has not issued a decision for years.

On the other hand, it is worth noting that in parallel with the lack of policy at the central level, individual municipalities approve rules for homeless registration and housing provision in their territory, the content of which varies according to municipalities. During the analysis of the above rules, it was identified that certain municipalities require the presence of socially vulnerable status and the relevant TSA points in order to grant the status of the homeless. For example, Vani, Samtredia and Chokhatauri Municipalities require less than 200 000 points for homeless registration and housing purposes, while Dmanisi Municipality requires less than 150 000 points.

Also, although an individual municipality may not require a specific TSA score when registering as homeless, its presence makes the person/family a priority during housing provision. for example:

163 Citizen of Georgia Vladimir Chitaia against the Parliament of Georgia, the Government of Georgia and the Minister of Labour, Health and Social Protection of Georgia, constitutional lawsuit N 854, 31.10.2016, <http://bitly.ws/DLHa>.

164 Constitutional Court of Georgia, Citizen of Georgia Vladimir Chitaia against the Parliament of Georgia, Government of Georgia and Minister of Labour, Health and Social Protection of Georgia, Minute N 1/6/854, 10.02.2017, <http://bitly.ws/DLHg>.

- In the Municipalities of Sagarejo and Kharagauli, families whose score does not exceed 100 000 points are prioritized, and in the Municipalities of Vani, Zugdidi, Sighnaghi, Samtredia and Gori, the list of priority covers families whose TSA score do not exceed 100 000 points.¹⁶⁵
- The required TSA score for providing housing for homeless families in Rustavi Municipality is up to 150 000 points, otherwise, families will not be able to receive temporary housing.¹⁶⁶ Additionally, a low TSA score leads to prioritization of families.¹⁶⁷
- Mestia Municipality does not set the TSA scores requirements, although it is indicated that the assessment of registered homeless families, for the housing provision process, is carried out, *inter alia*, in the light of the fact of registration in the database of the socially vulnerable and the TSA points.¹⁶⁸

46-year-old homeless woman with disabilities

The person has been receiving TSA since 2009. She does not own property and lives in social housing with her spouse and son. The family mainly depends on the social allowance, the social package of the persons with disabilities and the income received from unstable informal employment.

165 Resolution N 38 of the Sagarejo Municipality Council of September 25, 2015 “On approval of the procedure for registration, selection, provision of social housing and further monitoring of homeless people registered in the territory of Sagarejo Municipality, as well as citizens arbitrarily housed in buildings on the balance of the municipality”, Annex N 1, Art. 6; Resolution N 19 of the Samtredia Municipality Council of August 17, 2017 “On approval of the procedure for registering homeless persons in the territory of Samtredia Municipality and providing them with temporary housing”, Annex N 1, Art. 4; Resolution N 60 of the Gori Municipality Council of May 14, 2018 “On approval of the procedure for registering homeless persons in the territory of Gori Municipality and providing them with temporary housing”, Annex N 1, Art. 5; Resolution N 71 of the Zugdidi Municipality Council of August 3, 2018 “On the registration of homeless persons in the territory of the Zugdidi Municipality and the approval of the rules for providing them with temporary housing”, Annex N 1, Art. 5; Resolution N 126 of Vani Municipality Council of December 28, 2018 “On the registration of homeless persons in the territory of Vani Municipality and the approval of the rules for providing them with temporary housing”, Annex N 1, Art. 4; Resolution N 18 of Kharagauli Municipality Council of July 1, 2019 “On the approval of the procedure for registering homeless persons in the territory of Kharagauli Municipality and providing them with temporary shelter”, Annex N 1, Art. 5; Resolution N 2 of the Sighnaghi Municipality Council of January 27, 2023 “On approval of the procedure for registering homeless persons in the territory of Sighnaghi Municipality and providing them with temporary housing”, Annex N 1, Art. 5.

166 Resolution N 83 of the Rustavi Municipality Council of December 24, 2018 “On the registration of homeless persons in the territory of Rustavi Municipality and the approval of the rules for providing them with temporary housing”, Annex N. 1, Art. 1.

167 Ibid., Annex N 1, Art. 5.

168 Resolution N 24 of the Mestia Municipality Council of December 28, 2022 “On the approval of the procedure for registering homeless persons in the territory of the Mestia Municipality and providing them with housing”, Annex N. 1, Art. 5.

According to the respondent, after moving to social housing, their TSA scores increased, which resulted in a decrease in allowance. This had a negative impact on their socio-economic situation and often, in order to make the minimum ends meet, they also collected scrap metal. However, no relevant response was received from the Social Services Agency regarding the increase in TSA scores. The only justification from the Agency's side was the change of the family's residence, while the socio-economic situation and income of the household did not change.

The respondent does not consider the counting system of the TSA points to be correct, as long as it ignores many real needs, and in many cases prevents people from living decently. She cites the cost of utility bills as one of the examples, which affects the TSA score: she has to spend the winter days in the cold in order not to receive high bills.

She negatively evaluates the connection of the TSA points to different types of services, because she believes that in many cases, beneficiaries who are unfairly given high points and/or were terminated of assistance, also lose access to other services. Even if they appeal, they remain without these services for long periods, further exacerbating their vulnerability.

57-year-old homeless woman

The respondent's family consists of two people who pay rent for their residence. As the respondent states, she has not been employed anywhere for more than two years, while her spouse works informally, although in a fragmented manner. Despite the socio-economic vulnerability, they were given high TSA scores and the family does not receive social allowance.

The respondent's TSA scores increased 4 years ago when she changed her residence. This resulted in the termination of social allowance, however, the family continues to benefit from subsidized utility bills and free meal services. The respondent points out that after the termination of the social allowance, there were cases when she did not have the opportunity to buy food and medicine, moreover, she has not been able to pay the rent of the apartment for more than half a year; However, she could not legally challenge the high TSA points because she had and still has the fear of exclusion from the above two services.

The respondent evaluates the TSA system negatively and indicates that her needs and her living in homelessness were not taken into account. According to her, the

mechanism is non-transparent and it is unclear in what conditions give people the opportunity to receive social allowance. According to her, in many cases, the mentioned decision is also taken with nepotism.

48-year-old homeless woman

The respondent's family consists of three members, one of whom is a minor. The household lived in Sachkhere for years, but due to the destruction of the housing and the fact that one of the family members was enlisted in mandatory military service, they moved to Tbilisi a few months ago. The family's income is completely dependent on state assistance (currently the child receives a survivor's allowance) and the help of relatives.

Due to the change of residence, the family does not receive a social allowance at this stage and expects a response from the Social Service Agency about the granting of the allowance in the near future. Since important services are tied to the status of a socially vulnerable person and the TSA score, she is currently left without benefits. For example, the respondent recalls that she needed an ultrasound due to health problems, but because of the absence of the TSA scores, the service was not funded.

People with disabilities have been one of the most vulnerable and excluded groups from society and the Government for years. According to a study by UNICEF, if there is at least one member with disabilities in the family, the risk of finding the household in poverty increases by 4%.¹⁶⁹ As of June 2023, 127 046 persons with disabilities across Georgia were registered as recipients of the social package.¹⁷⁰ According to the information provided by the Social Services Agency, as of January 2023, 37 997 persons with disabilities were receiving the subsistence allowance.¹⁷¹

Unfortunately, despite a number of international and national standards, the Government of Georgia has not been able to transform the social protection system towards persons with disabilities and base it on their individual needs and human

169 UNICEF, A Detailed Analysis of Targeted Social Assistance and Child Poverty and Simulations of the Poverty – Reducing Effects of Social Transfers, 2019, p. 22.

170 LEPL – Social Service Agency, Statistics – Social Package, <http://bitly.ws/DNZd>.

171 Correspondence N SSA 1 23 00178098 of the LEPL – Social Service Agency, 17.02.2023.

rights-based paradigm.¹⁷² According to existing data, the stable income of people with disabilities is only the social package, although part of the community cannot receive the package, *inter alia*, because of the assessment carried out only based on medical diagnoses (which does not consider the individual needs of people) and the existing restrictive regulations, according to which persons with moderate disabilities (who have not had the person with disabilities status since childhood), also people with disabilities receiving an old age pension, are not allowed to receive a social package. In the latter case, the old-age pension, despite its importance, cannot ensure the satisfaction of the needs of pensioners with multiple vulnerabilities (including pensioners with disabilities),¹⁷³ which leads to the aggravation of their socio-economic situation.

Woman with disabilities

The respondent is a woman with a severe disability status. She has been receiving a social allowance since 2013 and is mainly dependent on state assistance. She evaluates the TSA system negatively, in particular, based on her own experience, she believes that this mechanism is unfair and does not see the real needs of different groups, including people with disabilities. On the contrary, it indicates that because of nepotism, many people receive benefits that they do not really need, which can lead to the exclusion of people living in real poverty from the system.

The respondent had a difficult experience concerning increasing the TSA score and the termination of the social allowance, as at that time all important assistance was removed, which aggravated the already acute situation. She remembers the days when she didn't even have food. The process of appealing the TSA score turned out to be quite long, which is why it was necessary to take bank and pension loans to survive. Therefore, she does not assess well the linking of TSA points with different services and indicates that beneficiaries should only have access to services based on their individual needs. Since an increase in points leads to the loss of various benefits, the respondent has to live in constant fear that the provision of home care service will cease with the increase in the TSA score.

172 See, State Audit Office, Audit Report on the Effectiveness of the Promotion of Persons with Disabilities, 2020, pp. 6 – 7.

173 International Labour Organization, UN Women, Assessment of the Social Protection System in Georgia, Final Report, 2020, p. 5.

Parent of a person with disabilities, a woman

The respondent's family, which consists of four members, has been deprived of social allowance for more than two years. The source of household income is currently formal employment. Nevertheless, considering the needs of a person with disabilities, the respondent indicates that the biggest burden falls on the family and the daily barriers and challenges faced by her daughter are not even minimally overcome.

After the termination of the benefit, due to the lack of trust in the system, the respondent did not file an application before the Social Service Agency for re-assessment. The termination of the allowance had a severe negative impact on her family, as they also lost access to other services that were important to them. The family was forced to proactively contact various organizations in order to receive the necessary social support.

According to the National Statistics Office of Georgia, as of January 1, 2023, there are 502 610 women and 217 414 men who have reached retirement age.¹⁷⁴ A number of reports positively emphasize the fact that the state provides close to universal coverage with pensions for the elderly,¹⁷⁵ as this support mechanism is an important factor in reducing poverty¹⁷⁶ – according to a study conducted by the UNICEF in 2019, the receipt of a pension by one of its members leads to growth of the household income by 30% and reduces the risks of poverty by 3-4%.¹⁷⁷

In addition, according to the statistics of the Social Services Agency, as of June 2023, 29 775 people aged 60-65, and 78 050 people over 65 years of age receive subsistence allowance. According to the Public Defender of Georgia, the state does not take into account the real needs of the representatives of this group and cannot offer mechanisms for a dignified life.¹⁷⁸ The Ombudsman also emphasizes that municipalities do not engage in social work in their territory, including identifying the needs of elderly people, as well as introducing and implementing relevant services.¹⁷⁹

174 60 years for women, and 65 years for men.

175 International Labour Organization, UN Women, Assessment of the Social Protection System in Georgia, Final Report, 2020, pp. 1, 81.

176 UNICEF, A Detailed Analysis of Targeted Social Assistance and Child Poverty and Simulations of the Poverty – Reducing Effects of Social Transfers, 2019, pp. 37 – 38.

177 Ibid., p. 27.

178 Report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia, 2022, p. 280.

179 Ibid.

A pensioner woman

The respondent's family consists of three members, and her main income is state tax. The household has been receiving social benefits for more than 10 years and is currently living in one of the social housing facilities.

After the granting of the allowance, the family's points changed periodically, which affected the access to services as well. The period of change of residence and transition to social housing was especially difficult for the respondent, as re-assessment took place, higher TSA was given to her family and the amount of subsistence allowance was reduced.

The respondent believes that the existing social allowance does not even minimally meet her needs. She also indicates that the process of counting and assigning points is not objective and is vague. According to her assessment, since the system calculates points uncertainly and unfairly, it is unacceptable to link other important services to it, such as the provision of medicines, as well as mechanisms for subsidizing utility bills. According to the respondent, people should be included in services based on their current needs, not based on TSA points. It should be emphasized that the household can have high TSA scores, as a result of which they will remain without any support.

A pensioner woman

The respondent's family consists of three members. Household income consists of wages received from unstable informal employment. The respondent, who is a pensioner by age, states that she applied to the Social Service Agency for assessment and the provision of social allowance, however, considering the high TSA score, she could not receive such assistance.

For the respondent, the current system is not fair as she believes that she is facing challenges that require inclusion in the TSA system and related services. According to her, the old-age pension cannot cover her needs even on a minimum level – in many cases, the pension is not enough for food, medicine and utility bills. To meet the minimum needs, she is forced to use a pension loan, therefore she even cannot receive her pension in full.

5. The Importance of Repeiling the Mandatory Requirement of Having the TSA Score during the Service Provision

As mentioned in the previous chapters, a number of important services are provided throughout Georgia for families registered in the database of the socially vulnerable and granted TSA points. Tbilisi and large cities (e.g., Batumi and Rustavi) are particularly noteworthy in this direction. In the mentioned cities, hundreds of thousands of GEL are allocated for services, which are exclusively or partially intended for households with TSA points.

Based on these features of the social protection system in Georgia, it is important to identify the arguments why it cannot be justified to establish the TSA score as a necessary prerequisite for inclusion in other services.

The TSA system does not cover particular groups, for whom inclusion in different services may be vital

The existing social allowance system in Georgia, due to its content, does not see particular groups and families¹⁸⁰ whose needs and challenges should be a prerequisite for providing social benefits and other relevant support services.

As mentioned above, people living on the street who live in extreme socio-economic vulnerability and need effective support from the state can be considered as an example of groups excluded from the system. Instead, the current regulations do not allow for the assessment of the socio-economic status of a given group, the granting of the TSA score and providing social benefits.¹⁸¹

On the other hand, for representatives of certain groups, the TSA system is less accessible. For example, as the focus groups carried out with social workers indicated, the system is less aware of the needs of different homeless groups, people with disabilities, as

180 International Labour Organization, UN Women, Assessment of the Social Protection System in Georgia, Final Report, 2020, p. 33; focus groups with social workers.

181 Focus groups with social workers.

well as the elderly. The representatives of the mentioned groups are at increased risk that the system will not detect them.

“[...] it is common for a single elderly person to have a high score. There should be an individual assessment because you enter a family – that has granted 1 500 points; however, there are five healthy family members, maybe even informally employed. On the other hand, you enter another family – there is a child with disabilities and because they have three rooms, they cannot get the status. The mother cannot work, as she is not able to leave the child alone. She cannot be employed, and because she has three rooms, she cannot get the TSA points that would help her get various services later, and she remains outside of all this [...]”

Social Worker

The problem of accessing the TSA system is also faced by the representatives of ethnic minorities¹⁸² who do not speak the state language, since the assessment form to be filled out by the social agent is only in Georgian,¹⁸³ also, the assessment questions by the social agent are also asked in Georgian,¹⁸⁴ while the Government does not have an effective and systematic policy for overcoming linguistic barriers (including translation service of official documents and provision of interpreter services).

Along with representatives of ethnic minorities, the LGBT+ group also has less access to the TSA system. According to a quantitative study conducted by the Social Justice Center, 23.4% of the community members spend their income only on food and minimum household needs, but not on clothing, while 7.8% cannot even cover the expenses on food. Against this background, only 0.6% of the respondents were covered by the TSA system.¹⁸⁵

In the case of mechanisms with a similar design, and due to the fact that the issue of inclusion in the system depends on a particular algorithm, there are risks for errors and for excluding and leaving households in severe socio-economic conditions without

182 UNICEF, A Detailed Analysis of Targeted Social Assistance and Child Poverty and Simulations of the Poverty – Reducing Effects of Social Transfers, 2019, pp. 5, 11.

183 Interview with the representative of the Ministry of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs of Georgia.

184 UNICEF, Georgia: Social Protection System Readiness Assessment, 2020, pp. 13 – 14.

185 Social Justice Center, Social Exclusion of LGBTQ Group in Georgia, 2021, p. 60, <https://bit.ly/3Ltkjma>.

support.¹⁸⁶ This opinion is also shared by the Friedrich Ebert Foundation, according to which, due to the fact that poverty has a dynamic character, as well as considering that the TSA system is based on a proxy means-testing and there are inaccuracies in the methodology of such assessment, exclusion and there are risks of making mistakes.¹⁸⁷ Other studies also indicate that the errors related to the exclusion of the poorest 20% of the population by this system (exclusion errors) were up to 58%.¹⁸⁸

An example of the system's flaws is an analysis of data from the Integrated Family Survey conducted by the International Labor Organization in 2018. The Study revealed that the targeted child benefit reached only 43% of the poorest decile of minors.¹⁸⁹ The UNICEF also underlines exclusion errors of the poor population by the system, according to various reports:

- By 2019, only 76% of households in the poorest decile (lowest income decile) and 39% in the second decile received some type of social assistance, including TSA or other assistance. In addition, 5% of the poorest decile applied for state assistance, but were refused;¹⁹⁰
- According to the 2019 report of UNICEF, the coverage of the TSA program for the vulnerable population was limited, for example, only 37% of children living below the poverty line were covered by this service.¹⁹¹ According to the 2023 report of the UNICEF, 47% of children with material and social disadvantages remain outside the TSA system, while 9.9% of those without such disadvantages are recipients of subsistence allowance.¹⁹² Additionally, 15.5% of families of children with material and social disadvantage applied for state support during the last 12 months (during 2022), but were rejected.¹⁹³ 50.4% of such requests related to the provision of social

186 International Labour Organization, UN Women, Assessment of the Social Protection System in Georgia, Final Report, 2020, p. 24; concerning the flaws of the assessment system, see, State of Report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia, 2018, p. 204.

187 Friedrich-Ebert-Stiftung Georgia, Maier-Rigaud R., Helmsmüller S., Social Protection Reform in Georgia – Principles and Perspectives from Germany, 2022, p. 6.

188 Kidd S., Athias D., Hit and Miss: An Assessment of Targeting Effectiveness in Social Protection with Additional Analysis, Working Paper, 2020, p. 25; International Labour Organization, UN Women, Assessment of the Social Protection System in Georgia, Final Report, 2020, p. 23.

189 International Labour Organization, UN Women, Assessment of the Social Protection System in Georgia, Final Report, 2020, pp. 2, 42 – 43, 54, 117.

190 UNICEF, A Detailed Analysis of Targeted Social Assistance and Child Poverty and Simulations of the Poverty – Reducing Effects of Social Transfers, 2019, pp. 5, 13.

191 Ibid., p. 6.

192 UNICEF, National Statistics Office of Georgia, Child Wellbeing in Georgia, 2023, pp. 6, 15.

193 Ibid., p. 15.

allowance, and the rest related to the support such as one-off cash assistance, medical assistance, provision of housing and/or its repair, etc.¹⁹⁴ The high TSA score was named as the possible reason for rejecting the requests.¹⁹⁵

The inaccuracies of the proxy means-testing system are also compounded by the fact that the Social Service Agency does not have certain data and variables¹⁹⁶ validation mechanisms during the calculation of the rating score for subsistence allowance seekers, and the age variable is also not automatically updated,¹⁹⁷ which can significantly affect the reliability, adequacy and transparency of the score. It is also problematic that the TSA system lacks a monitoring framework that would, among other things, check the indicators of the programs, the accuracy of targeting and the impact of the system on poverty.¹⁹⁸

In addition to the fact that the system, taking into account its peculiarities, may leave people in need without social benefits, a significant part of the population living in poverty does not apply to the Social Services Agency for assessment and assigning the TSA score. According to the data from the UNICEF, the share of such a group is 33% among people living below the poverty line,¹⁹⁹ which is caused by a lack of trust in the system, lack of expectation for receiving allowance, lack of information²⁰⁰ and other relevant factors.²⁰¹

Based on the above, establishing the TSA score as a mandatory prerequisite for inclusion in important social protection programs increases the possibility of complete exclusion of particular socio-economically vulnerable individuals and families from the system and leaving them in extreme poverty.²⁰²

194 Ibid, pp. 15 – 16.

195 Ibid., p. 15.

196 For example, validation of indicators of natural gas consumption and education level.

197 State Audit Office, Audit report on the effectiveness of information systems for the administration of subsistence allowance for socially vulnerable families, 2018, pp. 6 – 7, 26.

198 UNICEF, Georgia: Social Protection System Readiness Assessment, 2020, pp. 14 – 15.

199 UNICEF, A Detailed Analysis of Targeted Social Assistance and Child Poverty and Simulations of the Poverty – Reducing Effects of Social Transfers, 2019, pp. 5, 11.

200 Especially for people living in mountainous regions and those territorial units that have less access to the Internet, as well as for representatives of marginalized groups; See, International Labour Organization, UN Women, Assessment of the Social Protection System in Georgia, Final Report, 2020, pp. 29, 32; Also, UNICEF, Georgia: Social Protection System Readiness Assessment, 2020, p. 14.

201 International Labour Organization, UN Women, Assessment of the Social Protection System in Georgia, Final Report, 2020, p. 33; UNICEF, A Detailed Analysis of Targeted Social Assistance and Child Poverty and Simulations of the Poverty – Reducing Effects of Social Transfers, 2019, p. 5, 11 – 12.

202 World Bank Group, Continuous Improvement: Strengthening Georgia's Targeted Social Assistance Program, 2016, p. 116; Focus group with social workers.

The process of inclusion in the TSA system is not immediate and takes some time

The TSA system cannot ensure immediate evaluation and inclusion of a person in the benefit system.²⁰³ In some cases, the period from filling out the application to receiving assistance can even be 3-4 months.²⁰⁴

According to the existing regulations, the assignment of social allowance is a five-step process. First, the representative of the family applies to the Social Service Agency with the request for the provision of the subsistence allowance, which is followed by a visit of the social agent for an on-site assessment within one month of the application.²⁰⁵ The information collected during the visit is reflected in a computer program and the data is verified in the relevant databases,²⁰⁶ then a rating score is assigned, a decision is made to approve or reject the application for granting allowance for the family, and a relevant contract is signed with the household.²⁰⁷ The 30th calendar day following the day of assessment of the socio-economic status of the family is considered as the date²⁰⁸ of assigning the rating point.²⁰⁹ The right to receive a subsistence allowance arises from the second month after the rating point is assigned.²¹⁰ Depending on the existing regula-

203 Report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia, 2019, pp. 290 – 291; Report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia, 2020, p. 302; Report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia, 2022, p. 238.

204 State Audit Office, Reducing dependence on social assistance of working-age beneficiaries receiving social allowance: to what extent are the prerequisites for creating work motivation ensured? 2016, pp. 36 – 37.

205 Resolution N 126 of the Government of Georgia of April 24, 2010 “On measures to reduce the level of poverty in the country and improve the social protection of the population”, Annex N 1, Arts. 4 – 6, 10; See also UNICEF, Georgia: Social Protection System Readiness Assessment, 2020, p. 13.

206 For example, the National Agency of Public Registry, the Revenue Service, and others.

207 UNICEF, Georgia: Social Protection System Readiness Assessment, 2020, pp. 13 – 14.

208 Under the legislation exception is the case of correction of data of a family registered in the database or seeking registration, which leads to a change in the rating score (except for demographic data), which is possible within 90 days of the assessment of the family’s socio-economic status. In this case, the 15th or 30th calendar day after the Agency receives the individual administrative act regarding the correction of data (depending on the date of the assessment of the family’s socio-economic status by the Agency) is considered the date of granting a point; See, Resolution No. 126 of the Government of Georgia of April 24, 2010 “On measures to reduce the level of poverty in the country and improve the social protection of the population”, Annex N 1, Arts. 9 (2), 12 (4).

209 Ibid, Art. 12 (3).

210 Order No. 225/N of the Minister of Labor, Health and Social Affairs of Georgia of August 22, 2006 “On approval of the procedure for the provision of targeted social assistance”, Annex N 1: “The procedure for the provision of targeted social assistance”, Art. 4(2).

tions, it may take several months from the application and actual reception of the social allowance, during which time it is critical to ensure the proper support of the household.

The procedure for appealing the decision made by the Social Service Agency (on the appointment of social allowance and the granting of the corresponding point) is time-consuming,²¹¹ especially if the case goes beyond the administrative authority and is referred to the court.

In parallel with the regulations for granting points or appeals, the existing legal framework provides the risks for a person/family to be excluded from the system for several months. For example:

- If a person does not agree with the assigned score as a result of the evaluation, he/she can apply to the Agency for a re-assessment, although the Agency has the authority to check the family's situation within 1 year after the rating score was assigned;²¹²
- If the family provides false and/or incorrect information to the Social Service Agency during the assessment of the socio-economic situation, the Agency is empowered to terminate the family's registration in the database, refuse registration in the database or prohibit the family from requesting repeated registration within the next one year.²¹³ In addition, according to the legislation, the Social Service Agency has the authority to refuse the assessment of the socio-economic status of the family if the family's registration in the database was terminated at their request and less than a year has passed since this request;²¹⁴
- If a person does not inform the Agency about the changes provided for by the legislation (demographic changes in the composition of family members, changes in the permanent residence of the family, or changes in the social and economic status of the household), or does not fulfill the duties defined by the Agency and provided for by the legislation of Georgia, the Social Services Agency is assigned the authority to terminate the provision of subsistence allowance and/or to re-assess the family, to terminate the registration of the family in the database and/or to prohibit re-registration in the database within the next one year.²¹⁵

211 UNICEF, Georgia: Social Protection System Readiness Assessment, 2020, pp. 14-15.

212 Resolution N 126 of the Government of Georgia of April 24, 2010 "On measures to reduce the level of poverty in the country and improve the social protection of the population", Annex N 1, Art. 10 (6).

213 Ibid., Art. 10 (2).

214 Ibid., Art. 10 (3).

215 Resolution N 145 of the Government of Georgia of 28 July 2006 "on Social Assistance", Annex N 1, Arts. 10 (2), 10 (4).

In the end, considering the relevant regulations, it becomes clear, that the TSA system cannot timely identify the socio-economically vulnerable population and include them in the system. Therefore, it is possible that before the point is assigned a family/person may remain in the worst condition²¹⁶ and without relevant support, while his/her assistance only to depends on the will of the authorities (including local authorities).

The TSA system is not flexible and cannot ensure a reduction in dependency on subsistence allowance

Another argument, for why the TSA score given to socially vulnerable families cannot become a prerequisite for receiving other important benefits, is the peculiarity of the TSA system, which provides for the assessment of the socio-economic situation of the household in a specific period and, except for the circumstances stipulated by the law,²¹⁷ does not imply the possibility of determining the change in the socio-economic vulnerability of a person in the subsequent period of the assessment and granting of a score.

In addition, based on its content, the existing TSA system cannot determine the challenges and specific needs faced by a person/household, which may become a prerequisite for inclusion in one or another service (including municipal services). For example, the system cannot determine a specific person's need for medicine or medical services, food, heating means, rehabilitation services, etc.

Considering the above, linking other relevant services to the TSA points establishes a blanket approach to the challenges faced by the population, and replaces the obligation of the central and local authorities in the direction of assessment and research the needs of different groups. Such an approach, in the end, significantly damages the implementation of an individual-centered and effective social policy in the country.

Along with the above-mentioned arguments, it is necessary to emphasize the risks that may be associated with the possibility of obtaining significant benefits based on the TSA score. One of the main risks can be considered the growing dependence of the socially vulnerable population on subsistence allowance. A socially vulnerable status means much more than the monthly financial benefit. It also gives the family access to a num-

216 See, for example, Report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia, 2019, p. 302.

217 For example, Demographic changes in the family, change of place of residence, drastic change in the socio-economic status of the household and others.

ber of benefits (both direct financial assistance and related benefits, which are usually greater than the amount of subsistence allowance²¹⁸), which ultimately creates one large system of assistance.

The State Audit Service indicated back in 2016 that the country does not have a specific strategic document aimed at reducing the dependence of beneficiaries on subsistence allowance. Moreover, the central government does not have consolidated information on assistance related to the TSA score, which should be one of the main sources of the above-mentioned policy document.²¹⁹ Consequently, services are assigned by different agencies in an uncoordinated manner²²⁰ and are not part of a common vision.

Based on the above, it is important to create a unified system where data on social benefits, prerequisites for inclusion in services, target audience and goals of services will be collected. After the detailed study and analysis of this information it will be possible for the state to see the characteristics of its social protection system and take appropriate measures to transform it and better adapt it to the needs of the population.²²¹

218 State Audit Office, Reducing dependence on social assistance of working-age beneficiaries receiving social allowance: to what extent are the prerequisites for creating work motivation ensured? 2016, p. 24.

219 Ibid, pp. 4 – 5; World Bank Group, Continuous Improvement: Strengthening Georgia's Targeted Social Assistance Program, 2016, pp. 119 – 120.

220 State Audit Office, Reducing dependence on social assistance of working-age beneficiaries receiving social allowance: to what extent are the prerequisites for creating work motivation ensured? 2016, p. 22.

221 World Bank Group, Continuous Improvement: Strengthening Georgia's Targeted Social Assistance Program, 2016, pp. 119 – 120.

Conclusion and Recommendations

The main purpose of the study was to study the role of the TSA system and its impact on the reception of other social protection services. As revealed by the analysis of relevant sources, a number of existing standards at the international level concern the right to social protection and the obligation of the state arising from this right and establish such important principles in relation to social protection services as, for example, availability, adequacy, accessibility, affordability, participation and access to information.

TSA programs aimed at identifying and assisting the most vulnerable individuals and households are common in many countries and are supported by international financial institutions. International standards indicate that the content of such services (considering the shortcomings of its design and the methodology for assessing the well-being of households) may conflict with the obligations of the state in the field of human rights protection and leave the most vulnerable population behind the TSA system. Therefore, at the international level, the process of universalizing the social protection system is widely supported.

As for Georgia, the TSA program is one of the main elements of the social protection system, and every year it includes even more people. Despite its importance, poverty rates in the country are still high, and part of the population is dissatisfied with the content and administration of the TSA program.

As the analysis of services at the central and local level revealed, the status of the socially vulnerable and the corresponding score are prerequisites for receiving a number of benefits. Moreover, a significant part of the services available at the local level is directed exclusively to the socially vulnerable population, which leads to the exclusion of those who remain outside the TSA system from such important benefits as, for example, financing of medicines, free meals services, home care services, one-off cash assistance, subsidizing utility bills and others.

It is essential to repeal the mandatory requirement of the TSA score for inclusion in services, considering international standards and the following three main factors: 1. The TSA system does not include separate groups for whom different services may be vital; 2. The process of inclusion in the TSA system is not immediate and takes some time, and 3. The TSA system is not flexible and cannot ensure a reduction in dependence on the subsistence allowance.

Based on the challenges in the social protection system, it is essential for the central and municipal authorities of Georgia, to take the following steps within the framework of their coordinated cooperation:

- To overcome poverty and guarantee the right to social protection, develop a systematic vision and strategic document, which will be based on an in-depth study of the social needs of the population, and which prescribes the steps to be taken by state agencies in this field in short and long-term perspectives and detailed manner. The document should cover such matters as, for example,
 - Entities responsible for the provision of social protection services and due separation of powers at the central and local levels;
 - State policy and action plan on reforming the currently existing fragmented system of benefits and transition from TSA to universal social protection;
 - The vision of the state in the direction of reducing the dependence of beneficiaries on subsistence allowance;
 - The vision of the state regarding proper social support of vulnerable groups that are underlined by international standards.
- Before the fundamental reform of the social protection system, at least the following measures should be implemented:
 - Abolishing the legal regulation that deprives people living on the street of the opportunity to be registered in the database of socially vulnerable households and to receive subsistence allowance and related benefits;
 - The prerequisite for inclusion in services at the central and municipal levels should not be a blanket TSA score, but the real needs of the population;
 - Shortening the terms of granting the TSA and for this purpose, making changes in the relevant legislative acts;
 - Periodic evaluation of the effectiveness of the TSA system and implementation of changes based on the evaluation results.
- To develop a unified system that includes information about all social benefits operating in the state, prerequisites for inclusion, target audience and service goals;
- At the central and local levels, the establishment of the practice of the periodic in-depth study of the needs of the population, and basing the social protection policy and relevant services, its delivery features and coverage on the information obtained as a result of the study;
- Establishment a monitoring mechanism for service delivery that covers the oversight of both quality and coverage/accessibility.

