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Alternative Report to the First Periodic Report by the Government of Georgia to the UN Committee on the Rights of Persons with Disabilities

Human Rights Education and Monitoring Center (EMC)

Georgian Young Lawyers' Association (GYLA)

Open Society Georgia Foundation (OSGF)

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Introduction

The shadow report assesses the implementation of the following articles of the UN CRPD by Georgia: Article 12: equal recognition before the law; Article 24: Education; Article 27: Work and employment; Article 28: Adequate standard of living and social protection.

The shadow report is prepared by Human Rights Education and Monitoring Center (EMC) and by Georgian Young Lawyers' Association (GYLA) together with Open Society Georgia Foundation (OSGF) and its financial support.

Human Rights Education and Monitoring Center (EMC) is an active non-governmental organization focusing on human rights protection, since 2012. One of the major topics that Human Rights Education and Monitoring Center works on is social rights protection, this includes the work on the topics related to defending the rights of people with disabilities. More specifically, EMC works on analyzing the human rights situation of the people with disabilities, with the purpose of improving legal frameworks, it also works on preparing analytical documents, researches, etc. and on policy advocacy with different state bodies, on defending human rights in Constitutional and Common Courts through strategic litigation and through the use of the existing anti-discrimination mechanism in the country.

EMC has prepared a document about the implementation of the UN CRPD that included recommendations to state bodies with respect to amending the legislation and fundamental policy directions. Web-site: www.emc.org.ge.

Georgian Young Lawyers' Association (GYLA) is a non-governmental organization protecting human rights, founded in 1994. GYLA headquarter is located in Tbilisi and it has 8 regional offices around Georgia. GYLA works on civil and political rights, as well as on economic and social rights – through legal aid, research, strategic litigation and human rights education. GYLA also works on transparency and accountability topics and advocates for the legislative and human rights policy changes in front of state bodies. GYLA performs international advocacy and regularly presents shadow reports in front of the UN human rights treaty bodies and within the frames of the UN Periodic Review. Web-site: www.gyla.ge.

Open Society Georgia Foundation is a member organization to Open Society Foundations, founded in Georgia in 1994. The founder of the Open Society Foundations is the financier and philanthropist George Soros. The mission of the Foundation is to develop open society and defend human rights. This is reflected in all of its work.

Ever since 1994 the Foundation has spent more than 85 000 million US dollars in Georgia.

For the last few years the Foundation has been working on the following topics:

- Fundamental human rights protection;
- Eurointegration;
- Development of the independent and free media;
- Self-government reform;
- Open governance;
- Elections

- Public health;
- Promoting higher education and national integration

Article N12: Equal recognition before the law

When ratifying UN CRPD in 2014, Georgia took the responsibility of recognizing, implementing and defending the rights guaranteed by the Convention to the the people with disabilities. Nonetheless, it is important that, in the process of ratification the Parliament of Georgia made a declaration to article 12 based on impossibility of its full implementation, which proves the government not to be sufficiently ready to the full implementation of the Convention.ⁱ Later, in 2015, based on the Constitutional Court decision the country profoundly reformed the legal capacity model, abolishing the key norms regulating the existing legal capacity model and declaring it unconstitutional.ⁱⁱ

The new and reformed model is essentially designed according to the Convention standards, and links the realization of the right to equal recognition before the law to the individual assessment process, by ensuring the person's participation and by considering respective court decisions. As a result of the reform, the existing model of fully replacing the person's will by guardians was changed to the support system. Nonetheless, the national legislation is not fully in line with the Articl 12 of the Convention, additionally, the problem of adequate implementation of the new legal capacity model is starting to gain its significance – which strongly challenges the real possibilities of implementing the reform.

1. Gaps in legislation

Substantive legislation

Since the introduction of the reform, the existing legislation largely respects the individual characters of the people with psycho-social needs, and besides some exceptions, complies to the standard of the Convention.

In particular, legislation in different fields (right to employment and employment in civil serviceⁱⁱⁱ, participation in political processes – in plebiscites and referendums, right to health^{iv}) allows for the status-based curtailment of the rights, and disregards the need for individual assesement of the people with psycho-social needs receiving support.^v In addition, the existing legal framework allows for a status-based and blanket restriction of the possibility to foster a child, by the person receiving support.^{vi} The newly proposed legal model of settling marriage repeats the blanket approach for the people with the status of support recipients and obliges the parties to create a wedding contract,^{vii} even in the absense of such ruling by the court, contradicting the Convention approach^{viii}.

Procedural legislation

On a normative level, the laws regulating proceedings of recognizing the person as a support recipient has gaps in it. It is not clearly defining the guarantee to adversary trial for a person receiving support, it does not determine the status, it does not consider the procedure and the right of rejecting the support, doesn't define the right to appeal expert examinatio conclusions and recognizes forceful psychiatric expert examination.

In the absense of the will of the support-recipient-to-be, the existing procedural legislation leaves the possibility that a trial on recognizing a person as a support-recipient is held without a full participation of the claimant and and without the adequate consideration of his/her interests. The legislation does not distinguish between the procedures for the cases where there is the will of the claimant and where there isn't, while these two have different load of content. Specifically, in the absense of the will of the support-recipient-to-be, the

procedural legislation makes adversary trial and such environment impossible in a dispute.^{ix} The given, excludes claimant's opportunity to fully participate in the court case.

It is ambiguous and the law does not regulate the status of the people participating in the procedure, including of those who seek the recognition as support recipients. Recognizing the claimant as a "party" in the court case gains special importance during presenting and investigating the evidences, when appealing procedural actions and for the realization of other procedural rights, as much as the existing legislation allows for the curtailment of such rights.^x Often, in judicial procedure practice, the status ambiguity of the support-recipient, restricts the person recognized as a support recipient from appealing the final decision.^{xi}

Besides, the legislation provides no legal guarantees and grounds for avoiding the undesired support. In the cases when a person has no intent to acquire support the only way to do that is to be absent at the expert examination^{xii}. The given is not oriented at defending the claimant's real will, the free and conscious choice principle and contradicts it. In addition, the legislation allows for the possibility of conducting forced expert examination based on psycho-social needs,^{xiii} and does not clearly take into consideration the issue of appealing the decision of the forced examination.^{xiv}

2. Reform implementation process

The reform implementation process showed that the government met the reform implementation needs and challenges almost unprepared. In this regard, it is of significant importance to accumulate the best judiciary practice, which has to become the ground for the real implementation of the reform. Nonetheless, the judiciary practice proves the opposite when it wrongly interpretes the legislation, when stripping people of their will and replacing it against the law. The research of the judicial practice shows that the interpretation of the reform by the judiciaries contradicts the reform.^{xv} Besides, the reform execution also has shortcomings from the side of the government, as much as the change in law was not followed by the creation of the support mechanism and putting it into place, which, on practical level, would allow support-recipients to exercise their restored rights.

The problem of case proceedings in courts

The judiciary has a special role in the right implementation of the reform, as it is tasked with the obligation to determine the scope and limits of the support, based on the assessment of the status of the support recipient, and with the obligation to designate the support person or to investigate other issues related to support. The execution of the reform is heavily depended on the right practices in the court. Despite this the judiciary is not managing to implement the reform rightly, as in most of the cases, a wide spectrum of the rights of the support recipients are unreasonably curtailed, and the support-recipients are deprived of their rights without individual assessments, which assumes the replacement of the their will.

In the case review process the court decides about the designation of psycho-social expert examination. The expert examination has to determine in what spheres of life does a person need support, although in existing practice the expert examination designates "full support" to a person in all spheres of life, which does not involve the assessment of the necessities and justifications with regard to each right separately^{xvi}, and precludes the possibility of using individual approaches in the process of the assessment of the support recipients, which counters the fundamental principles of the reform and puts in place erroneous practice.

Despite the fact that the new model of the support system deems the model of the will-replacement impossible on the legal level (with one exception),^{xvii} the majority of court decisions are bringing exactly the old model back. ^{xviii} The analysis of the 341 decisions from all the courts in the common courts between April 2015 and February 2016 prove that, in practice, the old legal capacity and plenary guardianship model is still valid and that the majority of the court cases grant the supporters the authority of replacing the will. ^{xix} In particular, despite the fact that the legislation does not allow for depriving the support recipient of its rights (except for the extraordinary exceptional cases), the courts mostly decide for absolute deprivation of some rights and for the full replacement of the will of the support recipients without individual assessments,^{xx} which shows the extremely erroneous implementation of the reform.

In addition to this, majority of the court decisions are unsubstantiated.^{xxi} Court decisions, as a rule, don't include the substantiation for interfering in the specific rights of the support recipient and are limited to having only the resolution section, which determine the rules for exercising each right by the support recipients and supporters. Additionally, the analysis of the resolution parts of the decisions shows that there is no uniform standard in formulating them, which importantly hinders the effective monitoring of the execution of decisions, as much as, often, it is unclear to the supporters how to execute the decision in each specific case. ^{xxii}

It is also problematic that there is no guideline document for applying to courts, which would allow the applicants to clearly formulate their requests. Hence, the applications taken to courts are often ambiguous and create threats to violating support recipients' interests. The latter is particularly problematic as much as in cases where the sphere of inquiry is unidentifiable, often, courts decide the scope of dispute themselves, widen the requests and rule the necessity for support with respect to all rights. ^{xxiii}

3. The problem of the absence of the state support system

The major challenge to the state support system lies in its execution, which goes totally against the progressive normative standard that is in the national legislation. Unfortunately, the legal reform was not paralleled by growth and empowerment of the institutional, administrative, financial and human resource capacities - crucial importance for the execution of the transformative reform, which stands behind the reasons of the impossibility of the adequate execution of the reform. ^{xxiv} Therefore, in this case, in the absence of adequate state resource and institutional readiness, the reform execution has gaps in practice, expressed in the complications related to adding the support functions to social workers, to little progress in the assessment of people originally recognized as legally incapable, to absence of adequate resources and absence of the real support service.

It is one of the most important problems that the legislative process was not paralleled with the creation of the support system. In the reform implementation process, the state has not created the support system that would guarantee the realization of the rights of support recipients. Instead of creating the support system, the state decided to execute it only with its existing limited resource, and tasked the social workers to perform support functions, who, in addition to supporting the support recipients, have more than twenty other directions to work on and their responsibilities include such important issues as violence against children, strengthening families, care and so on.^{xxv} What is more, the number of active social workers at the Social Service Agency nation-wide is extremely low, especially in regions, which is one of the greatest challenges to social work. Therefore, execution of the reform in this fashion – with disregard to the total number of social workers and to

the scale of functions social workers are tasked with, can't be recognized as an effective resolution.^{xxvi} In addition, conflict of interest manifests itself in the oversight, as much as the Social Service Agency performs both of the functions – support provision (in cases where the supporter is the state) and the control of it.^{xxvii}

The individual assessment process of legally incapacitated people by the state in the transitional phase is problematic, which, on its hand, is not progressing adequately in the absence of the preliminary state plan and support system.^{xxviii} Since the implementation of the reform till October 2017, 2187 people were recognized as support recipients, 854 of which was recognized as legally incapable before^{xxix}. Out of 4370 people recognized legally incapable before the implementation of the reform^{xxx}, only 854 were re-assessed till May 2017^{xxxi}.

Within the given circumstances, it is obvious that the state effort is insufficient for the fullfledged implementation of the reform. For the correct implementation of the reform the state has to direct respective financial, administrative and technical resource to it, which will enhance the quality of the reform. In addition, the given progress shows that the system is not ensuring the implementation of the reform in a timely fashion, causing hundreds of people to stay legally incapacitated.

Recommendations:

- **The national procedural legislation should clearly define the procedure for recognizing a person as a support recipient, and ensuring full participation of the claimant in the process.**
- **The national legislation should acknowledge the right of the support recipient to reject the support or to refuse to undergo the expert examination; additionally, it should acknowledge the right of the support recipient to appeal the compulsory expert examination and the final decision;**
- **The national legislation should be amended in a way that the right of the support recipient to employment, to marriage, electoral rights, right to have a family and private life, right to health and to civil engagement is not subjected to the person's status, and in a way that the interference in rights happens only through the individual assessment of the person and through the support;**
- **Plan and implement trainings for judges, multidisciplinary group members, and the (future) supporters, create and disseminate guidebooks for the adequate implementation of the support system;**
- **Establish and implement the support service, that will allow all the supporters and the support recipients to receive relevant support from the state, which will guarantee the realization of the rights of the support recipients;**
- **Establish an effective mechanism for monitoring the support system (particularly the support executed by the state), as well as for avoiding conflict of interests;**
- **For the adequate implementation of the reform the state should assess the needs for adequate implementation of the reform and allocate respective financial, administrative and human resource based on research findings.**
- **The state should plan and execute an intensive information campaign for the legally incapacitate people, for the guardians, the supporters, the psychiatric and specialized institutions.**

Article N24: Right to education

The problem of producing statistical data with respect to the right to education of PWDs

There is no statistics on PWDs who study at primary school, are taking higher or professional education, or are in need of one. The reason is the absence of the mechanism for creating accurate statistics on PWDs. Nowadays the production of PWD statistics takes place through self-identification, based on the information provided by PWDs, in the frames of national census; Or through counting those PWDs at the Social Service Agency, who are the recipients of social package or other benefits, or are registered as the job-seekers. Given methods can't ensure the determination of the precise number of PWDs, as much as the records are depended on the will of the people to become social package recipients, or on the will to identify themselves as PWDs during the national census. Hence, it is hard to assess the scale of the violation of the education right to PWDs.

Inclusive education

PWDs are facing important barriers with respect to realizing their right to education both on pre-school, general and professional education levels. The reason is inadequate implementation of the inclusive education program and barriers to accessibility, unadapted physical environment, the lack of trained pedagogues and lack of qualification, as well as the non-adapted educational materials. Accessibility of inclusive education is extremely low at pre-school level.

Pre-school education

There are a lot more challenges with respect to providing inclusive pre-school education, compared to general and professional education. The state doesn't have the unified data-base of the children with disabilities taking pre-school education, where individual needs of children would be identified, including the need for providing inclusive education.

Provision of pre-school education is local self-government's liability and issues related to pre-school education are decided independently by municipalities.^{xxxii} The 2016 law of Georgia on Early and Pre-school Education^{xxxiii} settled the issue of accessibility, development and quality of the pre-school education.^{xxxiv} The law envisages inclusive education to children regardless of child's "physical, cognitive, sensory, social, emotional, linguistic, ethnic, racial, religious, gender or other characteristics".^{xxxv} Despite the law that sets the uniform standard for pre-school education, big part of the requirements of which was enacted in 2018-2020. It is not being implemented today.

The cases studied by the Public Defender in 2016 show that the implementation of already enacted articles of the Early and Pre-School Education Law is also a problem, and that early and pre-school education possibilities still are not fully accessible for children with disabilities.^{xxxvi} For example, as of 2017 only three municipality budgets (Tbilisi, Zugdidi and Marneuli) would consider promoting the inclusive pre-school education.^{xxxvii} Additionally, it is not clearly determined what activities does the municipality envisage for promoting inclusive education and what are the measurable indicators to it.

In 2011 the Ministry of Education and Science of Georgia developed a pre-school education program, based on the early education and development standards created by the support of the UN Childrens Fund.^{xxxviii} Despite this, the program is non-compulsory, and only a recommended one, and doesn't allow for the modification of the plan of educating and developing the child with disabilities based on the individualized approach towards the kid.

In addition to the barriers on legal and policy levels, often child's participation in pre-school institutions is formal, and precludes child's participation in educational and other activities. Needs assessment of children is done by a multidisciplinary group, nonetheless it is not comprised of adequate professionals (the psychologist, logoped, methodist, special pedagogue) and assessment isn't performed on a regular basis. According to the Public Defender the violence against students with disabilities is frequent, while the prevention and reactions have gaps.^{xxxix}

One of the reasons to the barriers to accessibility to and quality of inclusive education at pre-school educational institutions is inadequacy in the number of teachers and lack of professional skills and education. Kindergartens' associations are deciding for themselves what type of trainings should take place for teachers and don't give significant consideration to the issues of children with disabilities.^{xl} Hence, it is important that the uniform approach to development of inclusive and quality pre-school education and its monitoring happens on the municipality level.

General education

Children with special education needs face significant barriers with respect to inclusive general education accessibility. Ensuring the quality and consistency in education is also a problem.

Law of Georgia on General Education envisages inclusive education – inclusion of the child with special needs in general education process with its peers.^{xli} According to the law one of the major policy objectives of the state in the sphere of general education is to implement inclusive education,^{xlii} which the state has to be ensuring through increasing the number of vouchers and boosting the finances.^{xliii}

The inclusive education multidisciplinary team of the Ministry of Education and Science, for the purposes of determining the special education needs, conducts individual assessments and selection of the best forms of education for the person.^{xliv} According to the law the Minsitry of Education and Science should also develop the rules to implementing, developing and monitoring the inclusive education, as well as the mechanism for identifying the students with special education needs.^{xlv} It is the liability of the general education insitutions to create conditions for inclusive teaching.^{xlvi} According to the decree of the Ministry of Education and Science (2016) the program for “Monitoring the Inclusive Education” is approved, but is not being implemented on the general and higher education levels.

Despite regulating inclusive education according to the law, the legislative base has gaps in it and is insufficient: inclusive teaching is a liability of general education institutions and not their obligation. The law doesn't regulate the issue of integrated classes and special pedagogues (also the right and responsibilities of the pedagogues), which is a fundament for the implementation of inclusive teaching. Despite the fact that the law determines the right to education in maximal proximity to the place of residence, as well as the right to education on state or native language,^{xlvii} it disregards the issue of physical accessibility to people with disabilities.

Inclusive education is provided by half of the schools in Tbilisi (155 out of 297 schools in Tbilisi). Inclusive education is particularly problematic in high mountainous villages – only 171 out of 505 schools provide inclusive teaching.^{xlviii}

Despite the inclusive education model in the country, specialized schools (for students with hearing and visual impairments) are still allowed by the Law on General Education^{xlix} and such schools still operate. 8 Special profile, boarding houses operate in several regions of Georgia that serve to children with intellectual disabilities, also children with hearing and speech loss. Although, geographical accessibility to them is limited to children living in regions due to distance and inefficient transport^l.

2014 research by World Vision showed that children with disabilities are encountering significant barriers to participation in education processes, as compared to other children, due to different physical and social barriers. 98% of the children with no disability status go to school, while this amounts to only 73% among children with disabilities. The research found only 4 cases of home-schooling.^{li} Hence, significant number of children with disabilities are left behind the compulsory general education. In Georgia less than one third of public schools (777 schools) have ramps and simple adaptation^{lii}. Therefore, part of the public schools consider some of the needs of children with mobility impairments and are not adapted to other limitations. For acquiring the special needs student's status, parent's or legal representative's consent is necessary^{liii}, in the absence of which the child will directly be exempt of the services envisaged by inclusive education.

The Public Defender notes that the state is not guaranteeing adequate quality of inclusive education and lifelong learning. Big part of special education needs children are included in inclusive education only formally – they don't get teaching based on individual approach and they are not acquiring the knowledge and skills that will increase their capacities to live independently. This is conditioned by the environment that is not (sufficiently) adapted, insufficiency in the number of teachers having respective competencies, inadequate assessment of child's capacities, absence of individual helpers allocated based on the assessment, difficulties related to controlling child's behavior and insufficiency in support to parents^{liv}.

Despite the fact that the special pedagogue has a central role in inclusive education,^{lv} his/her status is still not equated with the teacher's status, the control of his/her work and quality of teaching is not regulated by the law, which, together with other factors, is negatively affecting the quality of inclusive education.

Higher education

Despite some steps being made with respect to increasing the accessibility to higher education for people with disabilities, the physical environment, education process and educational resources are mostly not adapted, inaccessible and of inadequate quality for students with disabilities. Additionally, there is no monitoring mechanism for inclusive education, that would control the assurance of accessibility of education to PWDs.^{lvi}

The web-sites of education institutions (schools, professional and higher education institutions) are not adapted. Despite the fact that the National Assessment and Examination Center was adapted to PWDs, the electronic registration system for national exams is still not adapted.

The absence of the effective institutional mechanism for the support of people with disabilities and special education needs conditions the low numbers of students involved in higher education.^{lvii}

Professional education

The Law on Professional Education of Georgia (2007)^{lviii} doesn't envisage inclusive education and the education accessibility needs of PWDs. Despite the fact that the law envisages equal treatment of all professional students, next to different grounds for protection, it only distinguishes "physical capacities" as the ground for protection (that don't specifically target PWDs), but the prohibition of discrimination doesn't spread to other forms of incapacities.^{lix}

Nowadays, in response to authorization requirements, every professional college has a ramp. Despite this, the full adaptation of the buildings to different students' needs is still a problem, including the adaptation of the water closets and education materials. Relocation inside the building and adaptation of education materials is still a problem. Nowadays majority of the educational institutions totally disregard the universal design requirements. Only 5 out of 21 state professional institutions have started adapting the physical environment in compliance with the universal design principles.^{lx} Additionally, students with disabilities are not being provided with all the required program, as much as the pedagogues are not satisfying the qualification requirements in this regard and the adaptation of the education resources is a problem too.^{lxi}

Recommendations

- The state should develop a policy for inclusive education, and based on the Convention principles reflect it in the policy documents and action plans, and allocate adequate resources for its implementation;
- Needs assessment of people with disabilities should be undertaken on all levels of educational institutions, and a detailed data-base should be created based on which actions directly oriented at real needs of PWDs will be taken;
- Implement the inclusive education monitoring to measure the progress;
- Every school should develop the inclusive pre-school education procedures, implement them effectively and ensure adequate monitoring system;
- With the help of specific action plan, gradually ensure the accessibility of the physical environment of public schools, professional and higher education institutions based on the universal design principle;
- Adapt education materials on all levels according to the needs of people with different disabilities;
- Where necessary, establish special support staff at pre-school education institutions ;
- In cases where there are integrated classes at school, designate a specific person responsible for child's individual development plan;
- Include special education teachers in the scheme of teachers' professional development and career advancement and equate the special education pedagogue to the category of a teacher through legislative changes;
- Consider the specialized school education as an extreme and temporary measure for educating children with disabilities and gradually abolish specialized boarding houses;
- Adapt the electronic registration system of the Ministry of Education and Science for the national examinations, as well as the web-sites of the general, professional and higher education institutions.

Article N27: Work and employment

Realization of the right to work is related to particular hurdles and challenges for people with disabilities. State legislation and practice is extremely problematic in this direction. Since the ratification of the Convention, and in the reporting period, the state could not manage to create and implement effective policy for the realization of the work and employment rights for the people with disabilities, that could eradicate or reduce the barriers that exist for people with disabilities and could promote equal participation in labor market. Respectively, the existing legislation and employment policy are not complying with the Convention standards, according to which people with disabilities should be able to commence labor relations freely and independently.

The legislation regulating work and employment of the people with disabilities is mostly declarative, and does not answer the aims of realizing the employment rights of people with disabilities.^{lxxii} Special legislation, that includes a clause on the employment of people with disabilities, is not enacted and doesn't envisage the mechanism for its enactment.^{lxxiii} In addition, since ratification of the Convention the employment situation of people with disabilities has not changed substantially. State actions for implementing the employment policies for people with disabilities are minimal and don't achieve the goal of their real employment.^{lxxiv}

The legislation doesn't adequately envisage affirmative actions promoting and encouraging the employers to employ people with disabilities. Besides few exceptions, there are no special legislative or other forms of mechanisms for promoting the employment of people with disabilities, such as quota systems or other affirmative actions in public or private sector.^{lxxv} The existing legislation envisages only minimal tax credits for a very specific group of people with disabilities; it exempts part of the people with disabilities from paying taxes,^{lxxvi} although this can't be assessed as a sufficient measure due to its limited content and narrow targeting. Additionally, the number of people benefitting from it is minimal.^{lxxvii}

Besides the fact that the legislation has minimal guarantees for promoting and supporting the employment of people with disabilities, in some cases it also restricts the rights. Existing legislation prohibits people with severely or mildly expressed disabilities (except for severely expressed disability due to vision impairment) employed in civil sector to become the recipients of the social package, whilst this is different in case of the people with same disabilities employed at the private sector.^{lxxviii} The Public Defender of Georgia, that represents the national mechanism for countering discrimination, proved direct discrimination on the grounds of employment place with regard to the given regulation, and it addressed state institutions with recommendations to change the given norms regulating social package issuance.^{lxxix}

In addition, it is a major flaw that since the ratification of the Convention, the concept of "reasonable adaptation" was not reflected in the existing anti-discrimination legislation, that would allow people with disabilities to use the national mechanisms more effectively in the process of realizing own labor rights and in demanding to adapt the labor environment based on the "reasonable adaptation" principle.

In the frames of the State Human Rights Action Plan, the government of Georgia took the responsibility, that using inclusive procedures, it would develop and present in parliament the bill on social integration of people with disabilities, that would envisage the actions for promoting employment of people with disabilities.^{lxxx} Nonetheless, the bill has not been developed or initiated in the legislative bodies yet. According to the responsible body, the working group is already created, although there is no progress in the process.^{lxxxi}

Since July 2016 the state is operating two programs: the "State Program on Developing Services for Promoting Employment"^{lxxxii} and the "State Program for Professional Training and Increasing Qualification for Job-seekers".^{lxxxiii} Both programs are of a general nature and only part of them are directed specifically at the needs

of people with disabilities. Promoting the employment of people with disabilities by the state with such programs is, by itself, welcome. Although, the mentioned programs are minimally considering the activities needed for promoting the employment of people with disabilities, they are limited and are not underpinned by the needs-assessment studies.

The state considers two components for promoting the employment of people with disabilities when implementing the mechanisms for the employment of vulnerable and low-skilled groups - job coaching (appendix n. 1.5.1.) and adapting work-places and subsidizing remuneration.

The Ministry of Labor, Health and Social Affairs Program has the component of creating a group of supported employment consultants, which means training of employment supporters for promoting the employment of people with disabilities. The program and its aims are, by itself, very important, nonetheless the scale of it is problematic, as much as only 11 supported employment consultants were retained in its frames.^{lxxiv} Selection of job coaches started in the frames of the program in December of 2015.^{lxxv} Throughout 2016 58 persons with disabilities were employed using the supported employment service ^{lxxvi}.

It is important that the state operates the program for adapting work places and for subsidizing remuneration. Although, it is problematic that its coverage is restricted to only the private sector, is short-term and limited. According to the program, the government subsidizes only 50% of the employment and only for 4 months.^{lxxvii} Besides, the program does not allow for its prolongation, and therefore it can't guarantee the long-term employment of people with disabilities. ^{lxxviii}

Besides, the number of people employed using the employment portal is also low: the website www.worknet.gov.ge operates since 2013 in the country, but only 114 of 2465 people with disabilities got employed with a short-term contract.^{lxxix} The employment rate is also low for past years, specifically, in 2014 12 PWDs were employed, in 2015 - 9 PWDs, in 2016 – 11 PWDs.^{lxxx} Besides the fact that only short-term employment is possible for the people with disabilities, the state does not have a systemic view on sustaining and prolonging employment, as well as on making the employment process sustainable.

The rate of PWD participation in the promotional activities for PWD employment is also low. For example, the number of PWDs participating in individual or group consultations, or getting employed, is low. ^{lxxxi}

The state does not have a unified data-base for job-seekers and for the employed among the people with disabilities. According to the Ministry of Labor, Health and Social Affairs information, the formation of the PWD data-base of job-seekers and of the employed happens through individual applications by people with disabilities^{lxxxii}. Hence, the data that the government uses when planning the employment policies for people with disabilities, is not based on needs-assessment. Due to the low visibility of job-seekers, the state does not have a full picture regarding the needs of people with disabilities, including for planning the future actions for educating and professional (re)training. ^{lxxxiii}

Specifically, when implementing positive actions the state bases its work on the data provided through the employment portal (worknet.gov.ge), registration on which is only possible through self-identification, therefore, the information on the portal is not portraying a full image about PWD employment, as well as about the needs and challenges in this field.

In addition, the state does not have a precise statistical information on the number of PWDs employed in private sector or the number of self-employed.^{lxxxiv} The number of PWDs employed in public sector is low, specifically, only 112 out of 53 103 people employed in public sector is PWD^{lxxxv}.

The professional training and re-training policies targeting PWDs are significantly weak, which could have been an important guarantee to achieving the objective of their employment. The state operates professional education institutions, where PWDs have equal opportunities, but the space adaptation problem remains to be the major hurdle. Besides, despite the fact that some institutions have successfully dealt with the physical accessibility problem, substantial problems are still created by non-adapted teaching environment.^{lxxxvi}

In addition, the state is still operating a program for professional (re)training and for increasing qualifications for job-seekers, in which PWDs have equal opportunities for participation. Nonetheless, the geographic coverage of the program is limited to the capital city and to the 12 municipal units.^{lxxxvii} In addition, the scale of PWD participation in it is low. According to 2017 data, the program involved 28 PWDs across the whole country.^{lxxxviii}

Recommendations:

- For protecting people with disabilities, the work and employment legislation should reflect the standards of the Convention, including the “reasonable adaptation” standard, the obligation of executing the requirements of people with disabilities with regard to their future employment and adaptation of the work environment;
- The legislation should envisage positive mechanisms promoting the employment of people with disabilities, including the adequate and long-term remuneration subsidies, the financial support to programs for adapting work environments, stimulating employers with tax credits and other relevant activities;
- The national legislation should consider the mandatory employment mechanism for people with disabilities – e.g. the system of quotas, primarily in the public sector.
- The civil service legislation should abolish the blanket and status-based restriction on employment contracts for people with disabilities; also, the discriminative regulation on restricting the access to social package for civil service employees;
- The policies promoting work and employment, including the existing state programs should be based on the PWD statistics, research data and the needs assessment analysis. The scale of their coverage should be increased and the sustainability of achieved results ensured;
- Create long-term programs promoting the employment of people with disabilities, which will envisage the component of training and periodic retraining of beneficiaries, as well as support throughout work;
- The state should create a coherent policy for the professional education and training of people with disabilities, which will promote professional education among PWDs and sustainable employment among them.

Article N28: Right to adequate housing

The state does not have a declared policy for guaranteeing adequate housing. The law on social protection of people with disabilities envisages provision of housing by the state according to the individual program of

PWD rehabilitation, and by considering their will (Article 27.1). If due to rehabilitation, there is no necessity of keeping the person with disabilities at a boarding house or in other stationary institutions, according to the law, local municipalities and self-government units provide, the with housing, and even including the orphans and the children without parental care after coming of age (Article 27.2).

Despite the above-mentioned regulations, the human right to adequate housing is unknown to the legislation of Georgia and it does not consider the elements considered by international legal acts, including the obligation of the gradual realization of the right and its minimal standard. In practice, the state denies PWDs the realization of the right to adequate housing due to the absence of material and financial resource, and the execution of the right is not possible through court.^{lxxxix}

Despite the fact that realization of the right to adequate housing, including for the vulnerable groups, is covered by the National Strategy on Human Rights Protection 2014-2020^{xc}, the realization of the rights for people with disabilities are not envisaged by the Action Plans, created following the Strategy. The 2016-2017 state action plan encompasses the provision of housing to the former prisoners and internally displaced people and consideration of PWD rights happens only in case of refugees^{xci}.

The state does not have detailed data on the housing needs of people with disabilities and on the number of homeless PWDs. Additionally, there is no standard and criteria to evaluating adequacy in housing for people with disabilities.

Despite the fact that, the deinstitutionalization process for under-age persons has already commenced with the help of UN Children's Fund, there are two big size residential institutions still operating in the country for children with disabilities under 7 and between 6 and 18 years old. Adults with disabilities also live in institutions (there are 3 big size boarding houses) and the state has not made substantial effort for abolishing big size institutions and for starting the full deinstitutionalization. The state sees institutionalization as a way of dealing with homelessness, and the social protection mechanisms offered to people with disabilities disregard the need of independent housing, which is inseparable with realizing the right to independent living.

According to Human Rights Education and Monitoring Center, psycho-social needs may condition people to live at long-term stationary state services indefinitely. For this group the state does not provide the service of adequate housing, that would allow them to live independently outside the institution^{xcii}. In other cases these people go to the boarding houses for people with disabilities, or they are threatened by homelessness. Often people with disabilities live indefinitely at care institutions due to homelessness, which the state considers as a realization of their right to adequate housing.^{xciii}

The condition of adults with disabilities is also a significant problem in cases when they used to benefit from state care institutions before reaching 18 years old and when graduating. Social protection mechanisms that the state provides to these people does not consider the realization of their right to live independently^{xciv}. In many of the cases these people have to continue living at the institutions for people under 18 even after coming of age, as the state does not provide housing to them.

The PWDs that don't live at state care institutions are subject to disproportionate restriction of the right to adequate housing, as compared to other people. As the state does not ensure the realization of the right to live independently and the right to adequate housing, housing situation and living conditions of PWDs is fully dependent on the good will of their family members and relatives. PWDs are often forced to live in environments that are incompatible with their needs and that are places of violence.^{xcv}

According to the Public Defender's 2016 report, every assessed institution has a problem of adequate infrastructure and sanitary conditions. The number of beneficiaries significantly exceeds the standard maximum levels, which does not allow for ensuring conditions similar to family environment. None of the institution infrastructures satisfy the accessibility requirements. When designing the physical environment of boarding houses the universal design requirements were not taken into consideration, for what reason there is the need for using special designs for people with disabilities – the need for adaptation. The needs of people with visual and hearing impairments are totally disregarded. The Public Defender emphasizes the problem of provisioning support mechanisms too.^{xvii}

According to the practice documented by “the Coalition for Living Independently”, in some cases, PWDs, and mostly women, are victims of domestic violence, due to which they are forced to leave homes and to occupy empty buildings with the help of their friends and neighbors, where they are not provided with adequate housing^{xviii}.

Recommendations:

- **Legally define the right to adequate housing based on the international human rights standards and ensure the possibility of its execution through the judiciary;**
- **The state should develop a declared and measurable policy and action plans for realizing the right to adequate housing, including for people with disabilities, and allocate adequate resources for it;**
- **The state should develop adequate housing standards for PWDs based on international human rights standards;**
- **The state should take steps for ensuring effective deinstitutionalization on all levels, including for the purpose of realizing the right to adequate housing for PWDs;**
- **Train attorneys and judges regarding the PWD rights and adequate housing, for ensuring access to justice in cases of the violation of the right.**

ⁱ 26 December 2013 Decree of the Parliament of Georgia on ratifying UN CRPD and the declaration attached to the instrument of ratification to the Convention. Accessible at: <https://matsne.gov.ge/ka/document/view/2164946> , Last viewed: 10.09.2017

ⁱⁱ The Constitutional Court of Georgia decision N2/4/532,533 on the case “Citizens of Georgia – Irakli Kemokelidze and Davit Kharadze Vs. Parliament of Georgia” Accessible at: <https://matsne.gov.ge/ka/document/view/2549051>, Last viewed: 10.09.2017

ⁱⁱⁱ *“According to the new regulation, the status of a support recipient, is on the one hand a barrier to employment in civil sector, and on the other an unconditional and a mandatory ground for dismissal of civil servants, including those of specific political positions, except for the cases in which the court has ruled otherwise... The existing legal capacity model, in the section about realizing labor rights, rejects the general approach according to which the support is designated to a person only in specific spheres and without the individual assessment the given status can't be automatically spread to other spheres. In particular, according to the legislation, the status of a support recipient is a sufficient ground for not employing or discontinuing the employment contract to a person in civil service, even in those cases, where the court has not ruled about the necessity of the support for realizing the employment right, and the support was assigned for a different sphere”*, The assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 24-25. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016

iv Election Code of Georgia, Article 3.a.a.c., Accessible at <https://matsne.gov.ge/ka/document/view/1557168>, Last viewed: 10.09.2016

v “*The regulations restricting electoral rights in national legislation of Georgia towards the people who are undergoing the treatment at stationary institutions, are contradicting the UN CRPD and are extremely regressive due to its blanket and discriminatory nature*”. The Assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 24-25. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016

vi Law of Georgia on “Adoption and Foster Care”, Article 7.1.a, Accessible at: <https://matsne.gov.ge/ka/document/view/1529579> , Last viewed: 10.09.2017

vii Civil Code of Georgia, Article 1120.1.e , Accessible at: <https://matsne.gov.ge/ka/document/view/31702> , Last viewed: 10.09.2017

viii “By establishing new marriage regulations the standard of the support recipient’s marriage right not only is unsuccessful at reaching its objective of protecting the support recipient, but also creates a doubt regarding the possibility of adequately defending his/her interests. The given regulation is problematic due to its blanket nature too, that excludes the possibility of determining person’s individual needs and the adequate boundaries to the support when realizing the marriage right.” The Assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 31. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016

ix “*It is important to consider the fact that proceedings recognizing a person as a support recipient can result in radically different outcomes. On the one hand, a case can be initiated by the state based on an application, with the person’s conscious decision and consent, which doesn’t assume to be conflicting by itself. But on the other hand, the case can be initiated by a third party, the necessity to which and support frames of which the support recipient-to-be may not be agreeing to, which can be the ground for initiating a dispute. In case of such conflict, the legislation doesn’t ensure the ways of initiating a civil dispute, unlike non-contentious proceedings, which, in case of disputes, envisages the obligation of the court to leave the application without a review and to explain the interested parties the necessity of initiating a case according to the general case proceeding.*” The assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 39. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016

x The Assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 39. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016

xi “In practice, often, the court restricts itself to providing only the resolution part of the decision, only when there is a written consent from the applicant. *Therefore, in the process of rejecting to the appeal of the decision, the support recipient is fully excluded, as much as his/her written consent is not deemed necessary by the court*”, The Assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 45-46. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016

Senaki regional court decision of November 27, 2015 N2/161-2015; Senaki regional court decision of November 19, 2015 N2/183-2015; Senaki regional court decision of November 27, 2015 N2/2014-2015, at al.

xii The Assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 39. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016

xiii Civil Procedure Code of Georgia, Article 363²⁰, Accessible at: <https://matsne.gov.ge/ka/document/view/29962#!> Last viewed: 10.09.2017

xiv Civil Procedure Code of Georgia, Chapter XLIV¹¹, Accessible at: <https://matsne.gov.ge/ka/document/view/29962#!> , Last viewed: 10.09.2017

xv The Assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 43. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016

xvi “At the stage of determining the support needs the existing practice does not ensure that the assessment of the psycho-social condition considers person’s individual needs and determines the spheres of support related to it, as well as the quality, intensity and forms of it”, The Assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 45. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016

xvii Except for the exception set by the Article 1293.4 of the Civil Code of Georgia, when replacing the will of the support recipient is possible by the supporter for the purpose of making a deal with the court order, in case if the person can’t express his/her will within 1 month period, and if rejecting the deal will harm the support recipient.

xviii “*Despite the abolition of the will-replacement possibility, courts still resort to this practice, which, eventually, fully perils the implementation of the support system. According to current situation, the court is not enacting the support mechanism, while the singular attempts by individual judges to put in place the support institute, is often detached from its fundamental principle about using individual approach*”, The Assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 49. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016

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- ^{xix} “Legal capacity – reforming the law without its implementation”, Public Defender of Georgia, 2016, pg. 29. Accessible at: <http://www.ombudsman.ge/uploads/other/3/3948.pdf> Last viewed: 27.09.2017
- ^{xx} The Assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 46-48. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016
- ^{xxi} “Legal capacity – reforming the law without its implementation”, Public Defender of Georgia, 2016, pg. 12-13. Accessible at: <http://www.ombudsman.ge/uploads/other/3/3948.pdf> Last viewed: 27.09.2017
- ^{xxii} The Assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 48. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016
- ^{xxiii} *“Legal proceeding materials analyzed throughout the research show that in the application process to the court, majority of the applications filed at the stage of determining the requirement limits - are ambiguous, they are not clearly delimitating the spheres to be assessed and don’t encompass specific requests, which can eventually lead to the following stages of the process to be contradicting the applicant’s real interests. The applications show that mostly the applicant’s motive is to satisfy and manage the person’s financial needs, which, in different cases, is related to benefiting from the pensions and social package, or to the interest of dealing with the complications related to the inheritance. Besides, applying to the court does not, by itself, assume the interest of individual assessment of the person, which leaves the possibility for claiming the necessity of the support in all spheres, which is evidenced in the existing practice too”*. The Assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 43-44. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016
- ^{xxiv} The Assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 50. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016
- ^{xxv} The correspondence with the Social Service Agency of the Ministry of Labor, Health and Social Protection of Georgia on March 9, 2017 N04/14006 Appendix 1.
- ^{xxvi} The correspondence with the Social Service Agency of the Ministry of Labor, Health and Social Protection of Georgia on March 9, 2017 N04/14006
- ^{xxvii} The Assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 51. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016
- ^{xxviii} “According to the official information provided by the Social Service Agency, as of December 10, 2015, there are 3 462 people recognized as legally incapable in Georgia. As of April 13, 2016 – in total 322 persons were recognized as support recipients. Of which, only 32 of them represent people formerly recognized as legally incapable. According to the mentioned statistics, only 6 applications were from guardianship and care organs, while in case of 316 applications the initiators were individuals. At this point, there are 40 cases registered for requesting support-recipient status from the Agency”. The correspondence with the Social Service Agency of the Ministry of Labor, Health and Social Protection of Georgia on December 22, 2015 N04/98775; The meeting with the representatives from the Social Service Agency 31.03.2016, The Assessment of the Legal Capacity Reform and its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, pg. 53. Accessible at: <https://emc.org.ge/2016/06/07/emc-82/>, Last viewed: 10.09.2016
- ^{xxix} The correspondence with the Social Service Agency of the Ministry of Labor, Health and Social Protection of Georgia on September 28, 2017 N04/61140
- ^{xxx} “700 people out of all the persons recognized as legally incapable are dead”. The correspondence with the Social Service Agency of the Ministry of Labor, Health and Social Protection of Georgia on May 1, 2017 N04/27358
- ^{xxxi} The correspondence with the Social Service Agency of the Ministry of Labor, Health and Social Protection of Georgia on September 28, 2017 N04/61140
- ^{xxxii} Organic Law of Georgia “Local Self-Government Code”, Article 16.2i
- ^{xxxiii} See the law at: <https://www.matsne.gov.ge/ka/document/view/3310237>
- ^{xxxiv} Law of Georgia on Early and Pre-school Education, 2016, Article 1
- ^{xxxv} Law of Georgia on Early and Pre-school Education, Article 23.
- ^{xxxvi} Shadow report presented by the Public Defender in front of the Committee on the Rights of People with Disabilities, June 2018, pg.23
- ^{xxxvii} See the decree N32-127 issued by the Tbilisi Municipality City Council on December 26, 2015 “On the approval of the 2016 budget of the Tbilisi Municipality”; The decree N44 issued by the Marnelle Municipality City Council on December 25, 2015 “On the approval of the 2016 budget of the Marnelle Municipality”; The decree N80 issued by the Zugdidi Municipality City Council on December 22, 2015 “On the approval of the 2016 budget of the Zugdidi Municipality”
- ^{xxxviii} Pre-school education program, National Education Planning and Evaluation Center, Ministry of Education and Science of Georgia, see at: <http://elibrary.emis.ge/ge/books/details/144>
- ^{xxxix} Children’s Rights Situation in Georgia, Public Defender Special Report, 2014, pg. 27-29, see at: <http://www.ombudsman.ge/uploads/other/3/3286.pdf>
- ^{xl} World Vision, Baseline study for Georgia, 2014. See: <http://inclusion.ge/res/docs/2016072514094630189....pdf>
- ^{xli} The Law of Georgia on General Education, Article N2.t.
- ^{xlii} The Law of Georgia on General Education, Article N3.2.h

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- xliii The Law of Georgia on General Education, Article 7.3.b
- xliiv The Law of Georgia on General Education, Article N2, z3
- xliv The Law of Georgia on General Education, Article N26.1.1.
- xlvi The Law of Georgia on General Education, Article N33.2.c
- xlvii The Law of Georgia on General Education, Article N7.1
- xlviii The Practice of Inclusive Education in Georgia, Shadow Report, Civic Development Institute, pg. 10. Accessible at: <http://cdi.org.ge/uploads/pages/alternative-report-on-the-implementation-of-crpd-education-cdi-geo-91.pdf>
- xlvi The Law of Georgia on General Education, Article N4.5 and 4.6.
- ¹ Shadow report presented by the Public Defender in front of the Committee on the Rights of People with Disabilities, June 2017, pg. 51
- li World Vision, Baseline study for Georgia, 2014, pg. 90. Accessible at: <http://inclusion.ge/res/docs/2016072514094630189....pdf>
- lii Shadow report presented by the Public Defender in front of the Committee on the Rights of People with Disabilities, June 2017, pg. 50.
- liii The order №392 of the Minister of Education and Science of Georgia issued on July 16, 2013 “On the approval of the application form for the parents/legal representatives of the special education students to the Inclusive Education Development Division of the National Education Planning Department of the Ministry of Education and Science”
- liv Shadow report presented by the Public Defender in front of the Committee on the Rights of People with Disabilities, June 2017, pg. 50
- lv The Law of Georgia on General Education, Article N21².1.e.
- lvi The Practice of Inclusive Education in Georgia, Shadow Report, Civic Development Institute, pg. 51. Accessible at: <http://cdi.org.ge/uploads/pages/alternative-report-on-the-implementation-of-crpd-education-cdi-geo-91.pdf>
- lvii Shadow report presented by the Public Defender in front of the Committee on the Rights of People with Disabilities, June 2017
- lviii Law on Professional Education of Georgia. Accessible at: <https://matsne.gov.ge/ka/document/view/23608>
- lix Law on Professional Education, Article N31.1.b
- lx Public Defender Shadow Report, pg. 53
- lxi The Practice of Inclusive Education in Georgia, Shadow Report, Civic Development Institute, pg. 49. Accessible at: <http://cdi.org.ge/uploads/pages/alternative-report-on-the-implementation-of-crpd-education-cdi-geo-91.pdf>
<http://cdi.org.ge/uploads/pages/alternative-report-on-the-implementation-of-crpd-education-cdi-geo-91.pdf>
- lxii 2015 Public Defender’s Report on the Human Rights and Freedoms in Georgia, 2015, 2015, pg. 757. Accessible at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, Last viewed: 27.09.2017
- lxiii Guidelines on the Implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), Human Rights Education and Monitoring Center (EMC), Tbilisi, 2014, pg. 101, Accessible at: <https://emc.org.ge/2014/08/18/uncrpd-is-imlementaciis-gaidlaini/> Last viewed: 28.09.2017
- lxiv 2015 Public Defender’s Report on the Human Rights and Freedoms in Georgia, 2015, 2015, pg. 1085. Accessible at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf> Last viewed: 10.09.2017
- lxv Guidelines on the Implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), Human Rights Education and Monitoring Center (EMC), Tbilisi, 2014, pg. 101-102, Accessible at: <https://emc.org.ge/2014/08/18/uncrpd-is-imlementaciis-gaidlaini/> Last viewed: 10.09.2016
- lxvi Tax Code of Georgia, Article 82.1.c. Accessible at: <https://matsne.gov.ge/ka/document/view/1043717>, Last viewed: 10.09.2017
- lxvii N21-11/74149 correspondence with the Revenue Service on August 15, 2016 “Based on the data of the unified electronic data-base of the Revenue Service, in the period between 01.01.2012-11.08.2016 40 017 were issued tax exemption according to the Article 82 of the Tax Code of Georgia. 1053 of them have reported the PWD status.
- lxviii The decree N279 of the Government of Georgia issued on July 23, 2012 “On defining the social package”, Article 6.4. Accessible at: <https://matsne.gov.ge/ka/document/view/1043717>, Last viewed: 10.09.2017
- lxix Public Defender’s recommendation “Cases of discriminating on the basis of employment field against PWDs with extremely and mildly expressed disabilities”. Accessible at: <http://www.ombudsman.ge/uploads/other/4/4495.pdf> Last viewed: 29.09.2017
- lxx The decree N338 of the Government of Georgia issued on July 21, 2016 “On the Approval of the State Human Rights Protection Action Plan of Georgia for 2016-2017”. Accessible at: <https://matsne.gov.ge/ka/document/view/3350412>, Last viewed: 28.09.2017
- lxxi The correspondence N01/55298 with the Ministry of Labor, Health and Social Protection of Georgia on August 29, 2017
- lxxii The decree N333 of the Government of Georgia issued on July 18, 2016 “On the Approval of the State Program on Developing the Services for Promoting Employment”. Accessible at: <https://matsne.gov.ge/ka/document/view/3345067>, Last viewed: 10.09.2017
- lxxiii The decree N451 of the Government of Georgia “On the Approval of the State Program for Professional Training and Increasing Qualification for Job-seekers” issued on August 31, 2015. Accessible at: <https://matsne.gov.ge/ka/document/view/2963861> Last viewed: 10.09.2017; The decree N238 of the Government of Georgia “On the Approval of the State Program for Professional Training and

Increasing Qualification for Job-seekers” issued on June 2, 2016. Accessible at: <https://matsne.gov.ge/ka/document/view/3297886> Last viewed: 10.09.2017

lxxiv The decree N137 of the Government of Georgia “On the Approval of the Employment Promotion Service Development Program”, Appendix # 1.5.1 issued on March 23, 2017

lxxv The correspondence N01/58169 with the Ministry of Labor, Health and Social Protection of Georgia on July 29, 2016, Appendix N2.

lxxvi The correspondence N01/61805 with the Ministry of Labor, Health and Social Protection of Georgia on October 2, 2017, pg.3.

lxxvii “Subsidy component envisages the employment of up to forty beneficiaries”; Article 2.6: “the Agency will ensure subsidizing beneficiaries with up to 50% of the amount of the remuneration for a vacancy presented by an employer, but with an amount under 460 (four hundred sixty) GEL.” Article 2.8: “the duration of the subsidy will not exceed 4 (four) months”, the decree N333 of the Government of Georgia “On the Approval of the Employment Promotion Service Development Program” issued on July 18, 2016; Appendix N1.5.1. Article 2.4. Accessible at: <https://matsne.gov.ge/ka/document/view/3345067> Last viewed: 10.09.2017

lxxviii The decree N333 of the Government of Georgia “On the Approval of the Employment Promotion Service Development Program” issued on July 18, 2016. Accessible at: <https://matsne.gov.ge/ka/document/view/3345067> Last viewed: 10.09.2017

lxxix The correspondence N01/55298 with the Ministry of Labor, Health and Social Protection of Georgia on August 29, 2017

lxxx The correspondence N01/58169 with the Ministry of Labor, Health and Social Protection of Georgia on July 29, 2017

lxxxi “The group and individual consultations on municipality level in 2016 had 91 participants with disabilities, 10 out of which got different duration employment contracts” - the correspondence N01/55298 with the Ministry of Labor, Health and Social Protection of Georgia on August 29, 2017

lxxxii The correspondence N01/61805 with the Ministry of Labor, Health and Social Protection of Georgia on October 2, 2017, pg. 2

lxxxiii “Since 2013 Georgia has an electronic portal recording job-seekers, the information system for labor market management - www.worknet.gov.ge; registration is possible online, as well as at the Social Service Agency units across the country. Since its exploitation there are 44 724 job-seekers registered in the system, 1 462 of which are people with disabilities.” The correspondence N01/58169 with the Ministry of Labor, Health and Social Protection of Georgia on July 29, 2016. Pg.2

lxxxiv “Statistical information on self-employed PWDs, or PWDs employed in private or non-formal sectors does not exist”. The correspondence N01/68617 with the Ministry of Labor, Health and Social Protection of Georgia on September 8, 2016.

lxxxv “According to the 2015 report of the Civil Service Bureau, out of **53 109** people employed in public sector, only 112 are people with disabilities”; The 2015 report of the Public Defender on the human rights and freedoms situation in Georgia, 2015, pg. 1087. Accessible at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf> Last viewed: 10.09.2017

lxxxvi Public Defender of Georgia, Human Rights Situation of People with Disabilities in Georgia, 2016, pg. 29

lxxxvii The correspondence N01/58169 with the Ministry of Labor, Health and Social Protection of Georgia on July 29, 2016

lxxxviii The correspondence N01/61805 with the Ministry of Labor, Health and Social Protection of Georgia on October 2, 2016

lxxxix For example, in 2016 the Coalition for Living Independently appealed the Rustavi city hall decision refusing provision of adequate housing to a person with disabilities on grounds of the absence of resources. The court designated an expert examination to determine whether the person was capable of taking care of himself/herself, despite the fact that the support needs are not a prerequisite for guaranteeing the right to adequate housing.

xc The decree of the Parliament of Georgia “On the Approval of the National Strategy on Human Rights Protection 2014-2020”, Article N21. See: [http://gov.ge/files/428_51453_705840_Strategy-GEO\(1\).pdf](http://gov.ge/files/428_51453_705840_Strategy-GEO(1).pdf)

xc1 The decree of the Government of Georgia on the Approval of the State Action Plan 2016-2017, Article N14.1.1.7. See: <https://matsne.gov.ge/ka/document/view/3350412>

xcii “Homelessness – Analysis of State Policies”, Human Rights Education and Monitoring Center (EMC), 2016, pg. 93. See: <https://emc.org.ge/2016/10/27/emc-172/>

xciii Coalition for Independent Living, Realization of the Right to Housing of Persons with Disabilities in Georgia, report to the Special Rapporteur on the adequate housing, 2017, pp. 3-4, at:

<http://www.ohchr.org/Documents/Issues/Housing/Disabilities/CivilSociety/CoalitionforIndependentLiving-Georgia.pdf>

xciv “Homelessness – Analysis of State Policies”, Human Rights Education and Monitoring Center (EMC), 2016, pg. 93. See: <https://emc.org.ge/2016/10/27/emc-172/>, pg. 95, EMC

xcv Coalition for Independent Living, Realization of the Right to Housing of Persons with Disabilities in Georgia, report to the Special Rapporteur on the adequate housing, 2017, at:

<http://www.ohchr.org/Documents/Issues/Housing/Disabilities/CivilSociety/CoalitionforIndependentLiving-Georgia.pdf>

xcvi Public Defender of Georgia, the Human Rights Situation of People with Disabilities at State Care Institutions, pg. 42. See: <http://www.ombudsman.ge/uploads/other/3/3958.pdf>

xcvii Coalition for Independent Living, Realization of the Right to Housing of Persons with Disabilities in Georgia, report to the Special Rapporteur on the adequate housing, 2017, p. 4, at:

<http://www.ohchr.org/Documents/Issues/Housing/Disabilities/CivilSociety/CoalitionforIndependentLiving-Georgia.pdf>

