

# Georgia

**Comprehensive Alternative Report of DPOs and CSOs of Georgia  
submitted regarding to the United Nations Convention on the Rights of  
PWDs**

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12. Georgian Association for Mental Health (GAMH);
13. Union Partnership for Equal Rights (PER);
14. Families Against Discrimination (FAD);
15. Union Our Children;
16. International Center for Democratic Development;
17. Platform for New Opportunities (PNO).

## Abbreviations

AP	Action Plan
CRPD	Committee on the Rights of Persons with Disabilities
DPO	Disabled persons' organizations
NCLE	Non-Commercial Legal Entity
NGO	Non-governmental organization
NHRS	National Human Rights Strategy
NHRSAP	National Human Rights Strategy Action Plan
PDO	Public Defender's Office
PWDs	Persons with disabilities
UNCRPD	The UN Convention on Rights of Persons with Disabilities

## **Executive Summary**

After the ratification of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) a set of legislative changes was adopted; yet, many critical problems remain that prevent persons with disabilities (PWDs) to participate fully in all aspects of life on an equal basis with others. The report analyses all articles of UNCRPD and focuses on systematic problems that cause daily violation of rights of PWDs.

Legislative amendments that were adopted during the reporting period and are positive step forward, do not suffice to safeguard rights of PWDs. In the majority of cases, the legislative amendments are fragmented and do not reflect state strategic and systematic vision related to PWDs.

The national legislation was not harmonized with the requirements of the UNCRPD. As the antidiscrimination mechanisms are ineffective, the issue of equality and protection from discrimination of PWDs is still crucial. The problems related realization of right to access to justice, physical environment, education and employment put additional obstacles to enjoyment of rights enshrined in the legislation by PWDs. Existing human rights action plans cannot be considered as efficient tools for improvement of human rights situation of PWDs as the actions prescribed therein are general and have non-measurable indicators.

Legislation and practice does not focus on the needs of different groups; therefore, women, children with psychosocial needs and persons with mental development disorders are not effectively protected. Right to health and social protection, right to housing, rehabilitation/habilitation are the most critical issues for PWDs. Most PWDs still live in the large-scale institutions; effective measures were not adopted to introduce and implement social model.

Rights of PWDs can be better protected only if the state develops a coherent and systematic vision on rights of PWDs that guarantees their participation through efficient mechanisms. To harmonize Georgian legislation with the requirements of UNCRPD relevant amendments should be adopted immediately, as well as introduction of a state policy and practice based on real needs of PWDs is absolutely necessary; the importance of efficient enforcement and monitoring should not be underestimated.

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## Introduction

This alternative report is developed jointly by all presenting organizations. Both DPOs and CSOs working on rights of PWDs were engaged in the preparation of this report.

The UN Convention on the Rights of Persons with Disabilities (UNCRC) was ratified by the parliament of Georgia on 26 December 2013 and entered into force for Georgia on April 12 2014. This report covers a 2-year period after the ratification of the UNCRC and attempts to evaluate implemented measures by Georgia, major challenges and shortcomings of the protection of rights of PWDs.

All reporting organizations used the same methodology and approach for drafting this report, such as analysis of official information from the public organizations, research papers of organizations, secondary sources related to the subject matter, focus group meetings with PWDs/their parents and individual meetings.

More specifically, for the development of this report (1) the organizations actively employed the possibility to request public data from public organizations, as well as information available openly, such as regulatory framework, information on state policy and implemented programmes, research and statistical data; (2) this report is also based on the research, policy and evaluation documents, as well as various analytical data developed by the reporting organizations. In addition, secondary sources were used, such as annual and special reports of Public Defender's Office (PDO) (at the same time PDO is the body responsible for popularization, protection and implementation of the UNCRC) related to human rights situation of PWDs, as well as reports by local and international organizations on the subject matter; (3) the majority of the reporting organizations are DPOs; during the preparation of the report they held focus group or individual meetings with other DPOs, representatives of PWDs community/parents of PWDs to collect additional data on human rights situation of PWDs (see more in sources/references). The first draft of the report was shared with the PWDs' community for the recommendations and evaluation and the feedback was incorporated in the report.

Accordingly, this report is based on information obtained from the PWDs' community organizations, DPOs, PWDs and their parents, as well as existing research papers, expert knowledge and public information received from public institutions.



## Articles 2 and 3. Definitions and General Principles

1. After the ratification of the UNCRPD, the definitions enshrined in the convention were reflected in the national legislation only partially and fragmentally. Thus, the national legislation is not in line or only partially meets with the requirements of the UNCRPD.
2. The national legislation does not fully reflect the essence of the definitions and spirit of the UNCRPD. Some definitions of the UNCRPD were not incorporated in the national legislation or those incorporated are not complete.
3. The medical model of assessment of PWDs is still used in Georgia. The national legislation and practice is mainly based on medical model that excludes the possibility to plan and implement policy based on social model.
4. After the ratification of the UNCRPD, the definition of a PWD was changed in line to social model, however the term “disability” is still based on the medical model - the law defines that “Disability comprises substantial psychical, intellectual or sensory impairments, which cause temporary or permanent limitation of capabilities.”<sup>i</sup>
5. The Georgian legislation do not recognize terms “reasonable accommodation” and “universal design”. The only exception is technical regulation for access to physical environment that mentions “universal design” in relation to physical environment however does not provide the definition of the term.<sup>ii</sup>
6. According to the Georgian legislation Georgian is the state language.<sup>iii</sup> The term “sign language” was recognized in the legislation even before the ratification of the UNCRPD. According to the law adopted in 1997, the “sign language” is the mean of communication and does not have the status of a language.<sup>iv</sup> Such a regulation constitutes a problem for employment of persons with hearing impairments in public sector as knowledge of a state language is the mandatory requirement for civil servants; in addition, it also limits the right to passive electoral right and labour right.<sup>v</sup>
7. General principles enshrined in article 3 of the UNCRPD are partially incorporated in the national legislation. While the legislation generally does not exclude PWDs as the objects of its regulation, the regulations are not sensitive to the needs of PWDs and do not provide special approaches for their support and promotion. The Law of Georgia on Elimination of All Forms of Discrimination is a good example of reflecting on the principles of the UNCRPD as the law specifically mentions disability as the ground of discrimination for the purposes of defining discrimination.<sup>vi</sup>
8. Thus, definitions and general principles of the UNCRPD were partially and fragmentally reflected in the national legislation and state policy that contradicts with the spirit of the convention.

## Recommendations:

- The definitions established by the UNCRPD should be incorporated in the national legislation without change;
- The term “disability” should be changed based on the concept provided in the UNCRPD;
- The terms “Reasonable accommodation” and “universal design” should be defined in the national legislation in line with the UNCRPD;
- The “sign language” should be granted the relevant status that will ensure that rights of persons with hearing problems are not violated; adequate conditions should be created for the “sign language” to be spread and used.

## Article 4. General Obligations

9. The majority of state policy documents were not upgraded after the ratification of the UNCRPD and do not provide novelties that would significantly improve the rights of PWDs. Creation and enforcement of such policy documents is essential for the evaluation of the state policies on PWDs.
10. Despite the ratification of the UNCRPD in 2014, the majority of the adopted documents do not comprehensively reflect the undertaken obligations and do not aim to changing existing practice or approaches. The Optional Protocol is not ratified yet and therefore PWDs whose rights are being violated cannot apply to the relevant CRPD.
11. After the ratification of the UNCRPD, 2014-2016 action plan (AP) was one of the first documents that provided the list of activities necessary for the implementation of the conventional obligations.<sup>vii</sup> While the document mainly is based on the values enshrined in the UNCRPD it lacks the clarity concerning the volume of progress to be achieved for the implementation period. In addition, the AP does not contain activities related to some essential issues, such as pre-school education, personal data protection, deinstitutionalization, etc.
12. Though the Action Plan for the Provision of Equal Rights for Persons with Disabilities for the years 2014-2016 provided for reform of the system of assessment and granting the PWD status, the social model has not been introduced yet and medical model is still being used that contradicts with the objective and fundamental principles of the UNCRPD. The status is still granted based on medical diagnosis that deprives the possibility to develop individual rehabilitation plan promoting effective participation of a person in all aspects of life.<sup>viii</sup>
13. The healthcare related documents<sup>ix</sup> that were adopted and implemented legal capacity reform are based on social model; however, they do not take into account the individual needs of PWDs that discriminates them. As for the child care system, it does not meet the standard of the best interest of a child. Lack of financing, territorial coverage, lack of professional staff and inadequate treatment are still problematic for healthcare system.<sup>x</sup>
14. It is also noteworthy that National Human Rights Strategy Action Plan (NHRSA)<sup>xi</sup> that is the major governmental document on human rights provides general provisions and unrealistic plans; therefore, its effective and qualitative implementation is not possible. In addition, the NHRSA mainly reiterates the goals/tasks enshrined in 2014-2016 Action Plan for the Provision of Equal Rights for Persons with Disabilities and does not provide fundamental novelties.
15. The Ordinance #41 of the Government of Georgia adopted in 2014<sup>xii</sup> is an important document for adaptation, individual development and inclusion of PWDs in public life.

Though the document sets standards for access to physical environment it proved to be inefficient and its implementation is nearly impossible.

16. It is also noteworthy that the most adopted policy documents do not include budget that is necessary for the realization of specific activities; therefore, the implementation is sometimes hindered due to the lack of finances.
17. In addition, the permanent participation of PWDs in the drafting of national or local regulations is not ensured. In the majority of cases their inclusion is formal that cannot ensure effective and full participation.<sup>xiii</sup> As the principles and guidelines of article 4 of the UNCRPD are not incorporated in the national legislation, inclusion of PWDs and access to information is still problematic, especially in the regions. The fact that most PWDs do not have access to information on state programmes, available services and procedures of application for such services constitutes an obstacle for realization of their rights.<sup>xiv</sup>

#### **Recommendations:**

- **The state should ratify the Optional Convention to the UNCRPD;**
- **The guidelines for judges, members of multidisciplinary group, social workers and supporters should be developed for clarification the essence and goal of the legal capacity reform and its proper implementation;**
- **Intensive public awareness raising campaign and targeted awareness activities should be implemented for persons deprived legal capacity, their guardians, staff of specialized and psychiatric institutions;**
- **Intensive public awareness raising campaign should be implemented to give information on available state programmes and services for PWDs;**
- **Social services should be provided based on individual needs; the geographical coverage should be increased to ensure access to services on the whole territory of Georgia;**
- **PWDs and/or their representatives should be included in decision-making of budgets of programmes and activities for guaranteeing equal opportunities to PWDs at local level;**
- **Timely and accessible information concerning programmes/activities implemented by local self-governments should be provided to PWDs;**
- **The legal documents should provide mechanisms for effective enforcement and control.**

## **Article 5. Equality and Non-Discrimination**

18. Discrimination of PWDs is a critical issue as they are subject to discriminatory treatment in all areas of life. The national legislation and its enforcement mechanisms cannot guarantee PWDs to enjoy rights on equal terms with others.<sup>xv</sup>
19. After ratification of the UNCRPD the Law of Georgia on Elimination of All form of Discrimination was adopted that created mechanisms for fight against discrimination and introduced guarantees for prohibition of discrimination; the law is also applicable to cases of discrimination on the ground of disability. Adoption of the law was a positive development, however, the limited mandate of its mechanisms created by the law cannot safeguard efficient fight against discrimination and protection of PWDs from unequal treatment.

### **5.1. Statutory standard for fight against discrimination**

20. The provision of the Constitution of Georgia concerning equality does not mention “disability” as the ground of discrimination;<sup>xvi</sup> however the Constitutional Court of Georgia applied broad interpretation of the provision and considered that the Constitution regulates difference based on any ground whether or not this ground is specifically mentioned in the text. In one judgement, the Constitutional Court stated that disability is covered by the term “social affiliation” and adjudicated the case with high standard – so called “strict test”.<sup>xvii</sup>
21. The Law of Georgia on Elimination of All Forms of Discriminations lists disability as the ground for discrimination however the legislation does not recognize “reasonable accommodation” as the ground for discrimination. This omission of the legislation contradicts the standards of the UNCRPD and weakens the possibility to prove and establish the case of discrimination of PWDs. Labour legislation also prohibits discrimination on the ground of disability both on contractual and pre-contractual stages.<sup>xviii</sup>

### **5.2. Anti-Discrimination Mechanisms**

22. After the adoption of the Law of Georgia on Elimination of All Form of Discrimination in 2014, PDO was granted a new function – to act as a mechanism for identification and establishment of cases of discrimination. However, PDO cannot be considered as an efficient anti-discrimination mechanism taking into account granted mandate, powers and forms of reaction. The mechanism is rather weak as the Equality Department of the PDO does not have the power to apply sanction and can only issue recommendations. In addition, the law does not oblige physical persons and legal entities created under the

private law to provide requested information to PDO; neither the timeframe of proceedings is defined by the law.<sup>xix</sup>

23. Enforcement of PDO recommendations, especially those addressed to private persons, is also problematic,<sup>xx</sup> as the enforcement mechanism is very weak.<sup>xxi</sup> According to the regulatory framework, recommendations are not legally binding. However, enforcement of recommendations issued to private persons is especially problematic as there is no available enforcement mechanism to PDO even if discrimination by a private person is established. PDO cannot use any mechanism to influence person charged with discrimination and enforce the recommendation unlike the cases when discrimination was committed by the public-sector representatives; in the latter cases PDO can apply to a court if recommendation is not implemented.<sup>xxii</sup> Even more so PDO does not have power to oblige a party to submit information concerning implementation of recommendations. Exception is public sector as the law provides for 20-day time-frame for reviewing PDO recommendation. Public Defender also highlighted the problem and stated the need to introduce the similar regulations for private sector.<sup>xxiii</sup>
24. The procedural code creates additional obstacles for the establishment of cases of discrimination. According to the code, a case should be referred to the court within 3 months after the fact of discrimination occurred; the short period of time renders it very difficult for applicants to apply to court.<sup>xxiv</sup> Another problem is that the referral of a case to court suspends proceedings in the Equality Department of the PDO.<sup>xxv</sup> As court proceedings and review by PDO are alternative mechanisms for fight against discrimination, a victim of discriminations faces a dilemma – to choose either PDO or court proceedings, which diminishes the effectiveness of the Equality Department to react on cases of discrimination.<sup>xxvi</sup> It is noteworthy that the PDO and the court are two essentially different mechanisms and cannot replace each other.
25. Labour Inspection Department is the national anti-discrimination mechanism for labour relations. It is empowered to identify and react upon cases of discrimination at the work place; however, the Department does not use its mandate in practice that is the major issue. The mechanism has not been using its powers from the very beginning. It is noteworthy that the Equality Department of the PDO also has a mandate over cases on discrimination in labour relations.<sup>xxvii</sup>
26. The case study revealed that the number of applications to PDO<sup>xxviii</sup> and/or district courts<sup>xxix</sup> for alleged discrimination on the ground of disability, as well as established cases of discrimination on the same ground is very low. According to the statistical data, applications concerning discrimination on the ground of disability was only 7% of all the applications on discrimination, for the period between September 2015 and September 2016.<sup>xxx</sup> During the same period, 7% out of out of 115 considered cases on alleged

discrimination cases were on the ground of disability. PDO issued recommendation concerning the discrimination on the ground of disability in only 2 cases.<sup>xxxii</sup> From May 2014 till March 2016 18 applications concerning the alleged discrimination on different grounds were filed to courts. Discrimination on the ground of disability was established in only 2 cases.<sup>xxxiii</sup>

#### **Recommendations:**

- National legislation should state that the refusal to “reasonable accommodation” is the form of discrimination of PWDs;
- The legislative amendments aimed at expanding the mandate and power of anti-discrimination mechanisms should be adopted; PDO should be granted the power to apply sanctions, as well as other powers, especially in relation to private sector;
- The procedural codes should be upgraded to strengthen and increase effectiveness of mechanisms of fight against discrimination, *inter alia*, the 3-month period for application to court should be increased;
- The state should develop and implement antidiscrimination policy and programmes targeting PWDs that will enable PWDs to enjoy their rights on an equal basis with others.

## Article 6. Women with Disabilities

27. The women with disabilities cannot enjoy all fundamental rights in Georgia due to some challenges: the girls/women with disabilities do not have information on human rights, less participation and inclusion of women in decision-making, grave social-economic condition, insufficient access to healthcare, education and employment, non-existence of medical services adapted to the needs of women with disabilities, difficulties in access to medical services in the regions and shortage in necessary medicines .<sup>xxxiii</sup>
28. The Law of Georgia on Gender Equality does not provide the mechanism for enforcement. Neither other legal act provides the sanctions for the violation of the Law on Gender Equality. The definition of gender equality has also some gaps. The Law on Gender equality defines gender equality as the “part of the right”.<sup>xxxiv</sup> This definition contradicts with the essence of the gender equality as there is no group of rights that should not mainstream gender equality.
29. The Law of Georgia on Gender Equality does not provide regulations for change of stereotypes and prejudices concerning inequality of women. The law neither provide for intersectional discrimination - discrimination of women on several grounds. Accordingly, the provision aimed at elimination of practice of systematic oppression of women with disabilities.<sup>xxxv</sup>
30. Article 6 of the Law of Georgia on Healthcare prohibits discrimination in the relevant area;<sup>xxxvi</sup> however, the law does not prohibit discrimination on the ground of disability. Only negative prohibition cannot be considered as an efficient mechanism and the state should also implement positive measures.
31. The Gender Equality Council of the Parliament of Georgia is responsible for the implementation of 2014-2016 Gender Equality Action Plan.<sup>xxxvii</sup> The Council has power to develop recommendations and review individual complaints. it is noteworthy that in 2014-2015 the Council did not have the cases related to rights of women with disabilities; its representative attended only one conference related to rights of PWDs.<sup>xxxviii</sup>
32. According to Law of Georgia on Political Associations of citizens a party receiving funding under this article shall receive a bonus of 30% of the basic funding if, in the election list presented by this party or by the relevant electoral bloc (in the case of local self-government elections, in all party lists) at the elections based on the results of which they received funding, at least 30% of female candidates are included in the first, second and every subsequent 10 candidates.<sup>xxxix</sup> The law is silent on women with disabilities that excludes the possibility to effectively include women with disabilities in the political associations unless special measures are implemented.



33. After the ratification of the UNCRPD the state did not analyse the needs of women with disabilities to identify the barriers these women face in different areas of life. Accordingly, neither general human rights documents nor the documents on rights of PWDs contain activities specifically targeting the needs of girls/women with disabilities.<sup>xi</sup>
34. Some policy documents recognize that the needs of women with disabilities should be taken into account, however these statements are only principles and are not reinforced by specific activities and indicators that would aim at elimination of barriers the women/girls with disabilities face. The indirect references to elimination of such barriers without measurable indicators exclude possibility to monitor the process effectively. Another shortcoming to implementation of the existing APs is the lack of budget that is required for the realization of the set goals.<sup>xii</sup>
35. There are no structural units at ministries focused on gender equality or rights of PWDs; existence of such units could ensure inclusion of activities related to rights of PWDs and gender equality in the different policy documents: APs and strategies.<sup>xiii</sup>
36. Healthcare and social protection state programmes are not gender-sensitive, do not consider the special needs of women with disabilities and are not based on problem-analysis. The physical environment of medical institutions practically excludes that women with disabilities have access to healthcare services. In this regard the problem is both the physical environment in the medical institutions and the process of providing medical services. The qualification of medical personal is also a challenge. The somatic health doctors do not have required qualification to provide service to girls/women with disabilities. The right to reproduction health of women/girls with disabilities is completely ignored in the country; they do not participate in the decision-making related their health.<sup>xiiii</sup>
37. Discrimination of PWDs, *inter alia*, women and girls, is prohibited by many legal document in Georgia. However, women are subjected to violence and discrimination on the ground of their disability. The state often does not apply the available legal instruments efficiently and underestimates the importance of this issue.<sup>xlv</sup>
38. The available shelters for victims of violence are not accessible for women with sensory, intellectual and psychosocial impairments due to the physical barriers and lack of human resources.<sup>xlv</sup>
39. Employed women with disabilities are subjected to discrimination on the ground of gender, as well as disability. As a rule, discrimination on the ground of disability is pertinent at the pre-contractual stage.<sup>xlvi</sup>
40. The employer may acquire any information concerning the candidate during the selection and interview stages.<sup>xlvii</sup> The article does not specify what information should be

considered discriminatory or whether the applicant can refuse to provide any information; therefore, we may state that this article still creates unequal and discriminatory treatment from women.<sup>xlviii</sup>

#### **Recommendations:**

- The state should conduct a large-scale research on discrimination of and barriers to for women/girls with disabilities that create obstacles for participation in all areas of life; this research should be the bases on all human rights related action plans;
- The state should raise awareness on their rights among women/girls with disabilities; relevant activities should be incorporated in the relevant human rights action plans;
- The state should introduce measures that will promote participation of women/girls with disabilities in decision making concerning different areas of life, including healthcare and politics;
- The state should develop the action plan on employment of persons with disabilities that should specifically address the needs of women with disabilities;
- The enforcement mechanisms should be introduced to the Law of Georgian on Gender Equality; the forms of intersectional discrimination should be defined;
- The Gender Equality Council should develop action plan that affectively protects the rights of women/girls with disabilities; the action plan should address the gaps in legislation and practice, as well as the procedures aimed at increasing applications of women with disability;
- Special units on gender equality and rights of PWDs should be created in the Ministries working on elimination of barriers that women with disabilities face;
- The indicators of activities/actions of future action plans should be measurable from the perspective of protection of women/girls with disabilities;
- It is recommended that overall healthcare insurance programme and state health programmes take into account the needs of women with disabilities.

## Article 7. Children with Disabilities

41. Despite the Child Welfare Reform launched in 2014 children with disabilities cannot enjoy all fundamental rights on the equal basis with others. The existing child care system does not meet the requirement of the protection of best interest of a child. 28% of children live in poverty, out of which 6% lives in extreme poverty and can afford only 2 GEL (1.25 USD) a day.<sup>xlix</sup> The poverty is negatively reflecting the situation of children with disabilities. Inaccurate statistics is among other causes of the problem<sup>l</sup>, that itself emanates from the use of medical model for granting the status of PWD.<sup>li</sup>
42. Human rights action plans are major policy documents of child protection in Georgia.<sup>lii</sup> These documents have chapter on human rights; however, the goals set therein are not realistic; the action plans do not have qualitative and quantitative indicators that could be used by child-rights advocating organizations to assess implementation of set goals and tasks.
43. The procedures of child social protection programmes are not flexible and the service receiver cannot define himself/herself when he/she wants to receive the requested social assistance. According to the legislation, the regional councils are usually making decision on including a child in the programme. However the regulations do not specify time-constraints for the regional councils to make a decision. The subprograms cannot satisfy the demand of the target group. There are waiting-lists for every programme that theoretically means that maybe a child will not be included in a programme at all.<sup>liii</sup>
44. Another critical challenge is discriminatory regulations on rehabilitation/habilitation programmes; no changes were implemented with this regard for the last two years. Children with autistic spectrum do not have equal access to services due to inadequate territorial distribution of services (the programme covers only Tbilisi and Zugdidi municipalities). Children who are nationals of third countries and permanently residing in Georgia do not have access to the programme.<sup>liv</sup> Aliens who permanently reside in Georgia cannot access the programmes for 1-6 year children with light and medium mental disorder prevention, diagnosis of epilepsy and oversight healthcare.<sup>lv</sup>
45. Due to the shortcomings in territorial coverage, children with severe and profound disabilities are basically deprived the possibility to use rehabilitation/habilitation services. The only rehabilitation/habilitation programme for children with severe and profound disabilities is operational in Tbilisi and only 40 children can use it at the same time.<sup>lvi</sup> In addition as the state does not implement its positive obligations, children with severe and profound disabilities do not have access to community based services, e.g. day care centres; therefore they are not prepared for independent life and participation in community life.

46. In 2013 deinstitutionalization was launched in Georgia, 442 became participants of reintegration programmes and 2,124 children – in foster family programmes. 47 small family-type houses were created. 46 large-scale child residential institution was closed; however the reform process did not address the institutions inhabited by the children with disabilities who still live in large-scale institutions (Tbilisi Infants' House and Kojori House for Children with disabilities). In 2016 the government of Georgia approved 2016-2017 NHRSA<sup>lvii</sup> that specifies the goal for 2016-2017 – continue deinstitutionalization process.<sup>lviii</sup> More specifically, it was planned to establish a small family type house as a pilot that would have accommodated some children living in Tbilisi Infant's House. This action is not implemented yet. It is also noteworthy that even if the activity is implemented only a small number of residents of a large-scale institution will be able to leave the residence and the majority will have to continue living in the large-scale institution. The state does not have a proper plan that would lead to closure of a large-scale institutions in the nearest future.
47. Another issue challenging the freedom of children with disabilities is the boarding schools for children subordinated to Georgia's Orthodox Church and Muslim Denominations. As these boarding schools are not under state control the problems of protection of rights of children with disabilities arise – they are not subject to assessment and do not have power to grant a status of PWD that is a prerequisite for participation in state-funded rehabilitation and education programmes<sup>lix</sup>. The administration, personnel, tutor and medical staff of these boarding schools are not informed about the rights of children with disabilities.<sup>lx</sup> The children with disabilities are not included in general education programmes in some cases.
48. Another problem in Georgia is the limited number of family supporting preventive services and their territorial coverage. The lack of alternative care service for children with disabilities is especially critical as it may challenge deinstitutionalization process. The reform was mainly implemented in major cities and towns and not in the regions. E.g. early development and rehabilitation programmes, day care centres are available only in the major cities.
49. The children under the state care do not have access to quality, multifunctional and adequate psychological treatment. Social Service Agency employs only 11 psychologists throughout the country that renders impossible to deliver services to all children. The children residing in small family-type houses do not have access to psychologist's services even though they usually have a long-lasting experience of physical and psychological violence.<sup>lxi</sup>
50. The children with disabilities living in the high mountainous regions face the major problems. Their majority cannot exercise their right to education and healthcare. More

specifically, it is difficult to obtain the status of PWD because of low awareness among the legal representatives of children, low qualification and work strategy of social workers. Only a few children with special educational needs are included in the general education institutions that is the result of lack of trained teachers and non-fitting infrastructure.<sup>lxii</sup>

51. Children with psychosocial issues face the major difficulties as countrywide only 10 places are allocated for patients with mental illness under the age 15 in the inpatient care services. This problem is very critical for the children suicide as they do not have access to proper psychiatric treatment. The state practically does not offer/finance services even for cases when there is an eminent risk of suicide. Some services are provided by the non-governmental organizations that have limited resources.<sup>lxiii</sup>
52. Recently the inclusive education was being introduced in Georgia; however, it is accessible only in big cities. Schools in small cities and villages lack the human and other resources that is necessary for effective inclusive education. Therefore, the children entitled to inclusive education do not have access to education adapted to their individual needs.<sup>lxiv</sup>
53. The children in foster care subprograms also face major challenges resulting in violation of their fundamental rights. The right to healthcare and education of children in foster care are violated daily.<sup>lxv</sup> There are cases when these children do not participate in neither formal nor informal education system. Only 60% of children with disabilities participate in pre-school/general education process.<sup>lxvi</sup> It is noteworthy that only children with disabilities still live in the large-scale institutions and only a few participate in foster family subprogram.<sup>lxvii</sup> In Georgia there is no standard for licensing families for foster care; foster families of children with disabilities do not have required skills for child care, upbringing and behaviour management as they are not obliged to attend any trainings. Access to physical environment is the systematic challenge. 35% of children in foster families have limited right to freedom of expression; this problem is extremely critical for children with disabilities.
54. Likewise, the foster care subprogram, the children with disabilities who participate in the reintegration programmes also face problems in realization of their rights while the right to education is the critical one. Some children were never assessed by the multidisciplinary group,<sup>lxviii</sup> 40% of children have not received proper medical examination and do not have access to medicines.<sup>lxix</sup>

## Recommendations:

- The social model of assessment of child's disability should be introduced;
- Action plans should identify the major challenges for children with disabilities and specify measurable qualitative and quantitative indicators and budget;
- Social rehabilitation state programmes should define the specific timeframe for inclusion in subprogram services;
- The budgetary resources allocated to early development of children and rehabilitation/habilitation subprograms should be increased based on real number and needs of children;
- The subprograms of early development and rehabilitation/habilitation should be developed taking into account the territorial distribution of beneficiaries;
- The discriminatory provision related to nationality should be deleted in all national and municipal programmes;
- Special attention should focus on rehabilitation/habilitation subprograms of children with severe and profound disabilities and full territorial coverage and necessary human resources should be ensured;
- The rehabilitation/habilitation programmes should ensure that children with disabilities receive services together with other peers;
- Tbilisi Infants' House and Kojori House for Children with disabilities should be closed down and residents of these institutions should be reallocated in services that have settings similar to families;
- The number of qualified psychologists and social workers should be increased;
- Ensuring qualitative services for realization the right to education and healthcare of children with disabilities living in the high mountainous regions should be the priority;
- Special awareness raising activities should be planned for parents of children with disabilities living in the high mountainous regions;
- Systematic reform of the children's mental health should be implemented based on empiric data and needs of children;
- The standard for licensing foster families should be defined that should safeguard services adapted to individual needs of children with disabilities.

## Article 9. Accessibility

55. Persons with disabilities in Georgia do not have access on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services.
56. Law of Georgia on Social Protection of Persons with Disabilities is not efficient tool for ensuring access to physical environment. According to the law, the agencies responsible for access to infrastructure have right and not the obligation to purchase and store relevant equipment;<sup>lxx</sup> in addition, the law does not specify the enforcement mechanisms.
57. Articles 178<sup>1</sup> and 178<sup>2</sup> of the Administrative Offences Code of Georgia providing responsibility for evading and disregarding the creation of conditions prescribed by legislation for persons with disabilities cannot be considered efficient either. While the Ministry of Labour, Health and Social Affairs is defined as the administrating body for the sanctions under the mentioned articles there is not structural unit within the ministry that has the power to implement this responsibility. It is noteworthy that neither the Ministry of Internal Affairs has the information on administration of the sanctions under the aforementioned articles.<sup>lxxi</sup>
58. Accessibility is interpreted as safeguarding access to physical environment to persons with mobility impairments; accordingly, the right to access, on an equal basis with others, the physical environment and services is not guaranteed for persons with sensory, communication, intellectual and mental impairments.<sup>lxxii</sup>
59. The Georgian legislation on automobile transport does not provide for the need of persons with disabilities. The Report submitted by the government of Georgia mentions the package of legislative changes. However according to the draft law (1) access to automobile transport is considered only for persons with physical impairments; (2) no specific timeline is indicated for the enforcement of the law making it impossible to monitor effectively its realization.<sup>lxxiii</sup> The draft amendments cannot be implemented effectively as no action plan and enforcement mechanisms are specified therein.
60. There were some positive changes to the regulations on carriage of passengers by air. However, the building of the Civil Aviation Agency that is responsible for monitoring the services to PWDs and addressing identified gaps, is not adapted to the needs of PWDs. Neither the official web-site of the agency nor its electronic systems are adapted to the needs of PWDs.<sup>lxxiv</sup>
61. The Georgian railway is not accessible for persons with any disability. Only 2 out of 15 regional trains are accessible for persons with physical impairments. However, services

are accessible only on 3 platforms of service-centres. Based on the aforementioned it may be stated that even the persons with mobility impairments are deprived the possibility to move independently in all directions.<sup>lxxv</sup>

62. Realization of active electoral right is often jeopardized by the problems related to accessibility to physical environment and infrastructure. PWDs do not have access to electoral districts or other electoral rights as the technical regulation to adaptation n of physical environment are not observed. The web-site of the Central Election Commission is not duly adapted to the needs of blind and persons with visual impairments as it can be used only with special programme. There are no guidelines for the members of district election commissions on how persons who have supporters can realize their active election rights.<sup>lxxvi</sup> Training module developed by the Central Election Commission does not include guidance how to deliver information to a person with supportrecipient or intellectual disabilities.<sup>lxxvii</sup>
63. Access to transport infrastructure is a critical obstacle for PWDs in Georgia. The public transport in big cities (metro, buses and minivans) are not accessible to persons with any disability. In 2016, adapted busses were introduced in Tbilisi; however only a few line-buses are adapted. Yet, wheelchair users can hardly use these buses due to the fact that bus stops are not adapted. The aforementioned reveal once again that the state does not have a systematic vision of the problem. Another manifestation is the construction works of a new metro station was planned, tendered and implemented without considering the needs of PWDs.
64. The major challenge to accessibility in Georgia is non-existence of enforcement mechanism of technical regulations concerning adaptation of buildings to the needs of PWDs. The monitoring of construction works and space organization is also missing. In addition, the technical regulation does not specify timeframes for interim control of the process. Neither the sanctions for failing to observe the regulations are determined. In addition, the technical regulation does not prioritize buildings and transport that should be immediately adapted in line with the standards in order to promote enjoyment of fundamental rights by PWDs. Besides, the technical regulation does not regulation all aspects of accessibility, e.g. access to services and information.
65. The Georgian legislation provides for the access to information.<sup>lxxviii</sup> Despite the availability of general standards on access to information, there are no special regulations and standards safeguarding the rights of PWDs to have access to information that is maintained and stored at public institutions. The challenges to access to information are the major cause to enjoy other rights as well, e.g. access to justice, right to education and right to health. The official web-sites of public institutions are mainly not adapted. Therefore, PWDs are deprived the possibility to access information independently.



66. Another challenge to access to information is access to mass media outlets; sign language translation, subtitles, braille font, enhancers and other special communication means are usually missing in mass media outlets. There is no relevant regulatory framework either.<sup>lxxix</sup>

## **Recommendations**

- All permits issued by the Tbilisi Architecture Office should be in line with the requirements of the technical regulations;
- Regulations on accessibility to physical environment should consider needs of persons with mobility impairments, sensory and communication impairments, as well as persons with intellectual and mental development disorders;
- The regulatory framework on automobile transport should define timeframe for adjusting all infrastructure to the needs of persons with all types of disability;
- The official web-site and electronic system should be accessible;
- To ensure accessibility to all types of transport at national and local levels, an action plan with specific activities, timeframes, budget and infrastructure aiming at full accessibility to transport infrastructure should be developed;
- The legislation should identify and create a specialized body that will be responsible for implementation of the technical regulation, identification of violations and applying sanctions;
- The legislation should introduce standards for access to information and means of communication for persons with any form of disability;
- The official web-sites of all state institutions should be accessible for PWDs;
- All mass media outlets should introduce standards for disseminating information that is accessible to PWDs.

## Article 12. Equal Recognition Before the Law

67. In the process of ratification of the Convention on the Rights of Persons with Disabilities the Parliament of Georgia made a declaration only on the Article 12 showing lack of readiness of the state to fully implement it.<sup>lxxx</sup> Later, in 2015 the country implemented legislative reforms the basis of which was a decision of the Constitutional Court declaring the main legislative norms on legal capacity model existing in the country unconstitutional, and abolished them.<sup>lxxxi</sup>
68. The new model was based on the Convention vision connecting exercise of the right to equal recognition before the law to the individual assessment process of a person based on the respective court decision with participation of the person himself/herself. As a result, the support model replaced the existing model of ward intent replacement model. Nonetheless, the national legislation is not aligned to the Article 12 of the Convention and the adequate implementation of the new legal capacity system remains an unsolved problem.

### 12.1. Legislative gaps

69. According to the legislation in force granting the status of a support recipient (without determination of the support necessity in the labor right part) is the basis of a blanket restriction on a person's employment in civil service or the ground of dismissal from an official position, which on the one hand is discriminatory as compared to the support recipients employed in the private sector to whom the restriction does not apply to and on the other hand it creates the basis of the right restriction without status-based individual assessment.<sup>lxxxii</sup> In addition, the national legislation restricts the participation in political processes, referenda and plebiscites by the support recipients of the psychiatric facilities with psycho-social needs,<sup>lxxxiii</sup> thus contradicting the convention requirements.<sup>lxxxiv</sup> The legislation also prohibits the support recipient to become a foster parent and a blanket restriction on the possibility of a person to foster care.<sup>lxxxv</sup>
70. The new model imposes a disproportionate burden on the exercise of the marriage right<sup>lxxxvi</sup> by the support recipients, as it envisages blanket obligation by every support recipient to have a mandatory prenuptial agreement despite the court decision of its necessity.<sup>lxxxvii</sup> The new model envisages additional regulations for concluding agreements by a support recipient, making a support recipient face a threat of personal interest infringement in every specific case.<sup>lxxxviii</sup>
71. The procedure of acquiring a support recipient's status is flawed. In the condition of absence of an intent by a person to be recognized as a support recipient, the legislation in force allows, for the implementation of the trial without the full participation by the

support recipient to-be and without comprehensive representation of his/her interests. The latter is due to the Procedural legislation that makes arguing a case and adversariality of the proceedings impossible.<sup>lxxxix</sup> The status of all the process participants including, of the people to be recognized as support recipients is also unclear. It is important to recognize a support recipient to-be as a party of the trial. This is important for exercising the procedure rights, (the submission of evidences and investigation), and for full realization of the right to appeal the procedure actions and other procedure rights. The current legislation allows the restriction of latter rights<sup>xc</sup>. The unclear status of the support recipient has many times become the basis of restriction of the rights to appeal the final decision of the court, in practice<sup>xc<sup>i</sup></sup>. The legislation does not envisage a ground to avoid the process except in the case of non-appearance for the voluntary expert examination in cases when a person has no will of being assigning to a supporter<sup>xc<sup>ii</sup></sup>. In addition, the national legislation envisages a compulsory assessment<sup>xc<sup>iii</sup></sup> in cases of psychosocial needs and the legislation does not clearly define the possibility to appeal the decision of the compulsory expert examination<sup>xc<sup>iv</sup></sup>.

## 12.2. Enforcement of the Reform

72. The case proceeding is a particularly problematic process in the court practice. The court practice survey shows that the reform interpretation by the court contradicts its essence<sup>xc<sup>v</sup></sup>. The fields for assessment are not specified at the stage of appeal to the court thus the faulty character and ambiguity often becomes a precondition for the court to expand the subject of dispute<sup>xc<sup>vi</sup></sup>. In majority of the cases, the expertise issues a decision to assign a “full support” without assessment in every field separately and independently,<sup>xc<sup>vii</sup></sup> which makes it impossible to apply an individual assessment approach when assessing the support recipients and to realize the support based on individual assessments.
73. Despite the abolition of the replacement system, in practice, the decisions made by courts are still based on the replacement model. The resolution part of the court decision remains problematic, which determines replacement of intent of a person, including the replacement of full intent in every field,<sup>xc<sup>viii</sup></sup> thus bringing the efficiency of the new system to the old model hindering the new model to be enacted.<sup>xc<sup>ix</sup></sup>
74. Majority of the court decisions are unfounded<sup>c</sup>, the resolution parts of the decisions envisage restriction of rights in a blanket manner without identification of the specific rights and fields and exclude the individual approach which at the same time significantly hinders the efficient monitoring process of decision enforcement<sup>ci</sup>.
75. The practical implementation process of the reform is significantly hindered gaps in different ways. The legislative amendments were not followed by respective administrative changes, both in terms of allocation of institutional, financial and human

resources, which makes implementation of the large-scale reform impossible.<sup>cii</sup> The most important of the issues is that a support system was not developed in line with the legislative process. In addition, the reform implementation was not accompanied by preparation of the respective state institutions. In addition, in the course of a transitional phase, the individual assessment of persons recognized as incapable continues with minimal progress without action plan and support system developed by the state in advance.<sup>ciii</sup>

76. Provision of support in the conditions when the supporter is the state is problematic in practice. In this case, the duties of a supporter is fulfilled by a social worker but considering the total number of the social workers in the country and the scales of the functions imposed, this cannot be considered as an effective decision.<sup>civ</sup> In addition, an issue of conflict of interests arises in the supervision process, as the Social Service Agency has to combine both functions – provision of support and control.<sup>cv</sup> In addition, a biased regulation of the supporter responsibilities themselves is problematic in most of the cases.<sup>cvi</sup>
77. The current progress shows that the system cannot ensure implementation of the reform in a normal pace, which maintains the condition of hundreds of persons being recognized as legally incapacitated and creates doubts about the adequate implementation of the reform in the future.

#### **Recommendations:**

- **The national procedural legislation should clearly envisage full participation of the support recipient to-be in the process of the support receipt;**
- **The national legislation should consider the right of a person to refuse the support and examination; also the right of the support recipient to appeal the final decision case or on the compulsory examination;**
- **Amendments should be made to the national legislation that will not subject the rights of the support recipient to labor, marriage, election, personal and family life, health and to participation in civil transactions to the status of the person, interference with the right shall occur only on the basis of an individual assessment of a person and through support;**
- **Events of training and retraining of the judges, of the multidisciplinary group members and of supporters/future supporters should be planned and implemented; guidebooks for the adequate implementation of the support system should be developed and distributed;**
- **Support service should be developed and introduced; a mechanism of support implementation (especially of the support provided by the state) monitoring should be developed which will ensure absence of the threats of conflicts of interests;**

- The state should allocate financial, administrative and human resources for the adequate implementation of the reform;
- An intensive media campaign should be planned and implemented by the state for the persons recognized as legally incapable, their guardians, supporters, psychiatric and specialized institutions.

## Article 13. Access to Justice

78. The Government of Georgia has not implemented efficient system changes during the past two years in terms of the accessibility of justice. The challenges exist both in terms of the physical accessibility of justice<sup>cvii</sup> and of the qualification of the persons employed in the justice system.
79. The competence of the persons employed in the justice system in the topics of the persons with special needs is a specific problem in the field of the justice accessibility. There is no strategy for a unified approach to ensure efficiency of the justice system for the persons with disabilities. A single training as an exception cannot be assessed as efficient.<sup>cviii</sup>
80. Court decisions and respective justifications received during the involuntary psychiatric treatment is a template. In almost every case, the judges meet the mediation of a psychiatric institution, agree with the doctor's opinion and are not interested in hearing the patient. This approach violates the patient's right of protection<sup>cix</sup>. There is no right to appeal in psychiatric institutions. Majority of the patients do not know about the mechanism to protect their rights<sup>cx</sup>. In case of entry into a closed type facility, the access to the mechanism of appeal is completely restricted and receiving a lawyer service is impossible<sup>cxii</sup>.
81. The following barriers exist in the country for persons with disabilities to have an access to justice: accessibility of the transport, the buildings of police and courts are not adapted<sup>cxiii</sup>, lack of information on their rights and the mechanisms of appeal, lack of finances for the court expenses, lack of access to the legislative acts, inexistence of appeal mechanism for the persons with mental health issues in the closed facilities<sup>cxiiii</sup>.
82. When ensuring the accessibility of the court buildings adaptation of the bathrooms are never considered just like the needs of sight impaired and blind persons. Besides the court buildings the accessibility problem of the physical environment is problematic in case of the judicial assistance service and police as well<sup>cxv</sup>.
83. The only resource to the legislative acts in the country – “Legislative Herald of Georgia”<sup>cxvi</sup> is completely inaccessible for the blind and sight impaired people. In terms of the right of justice, it should be noted that the blind and sight-impaired persons cannot use the appeal form approved by the High Council of Justice of Georgia.

### Recommendations:

- The judges should be specialized a lifelong professional training module should be offered to them on the topics of the people with disabilities;

- Restriction of protection right of a person with mental health issues should be eliminated when making a decision on involuntary psychiatric treatment for which judges should be trained;
- All buildings of police, court and free legal assistance services should be adapted for the people with disabilities. The needs of blind and sight impaired people should be considered when ensuring access to justice including both physical environment and access to information and appeal procedures;
- An efficient mechanism of appeal should be introduced for the people with disabilities at closed facilities;
- A simplified procedures for appeal should be developed at psychiatric institutions; patients shall receive information on the mentioned procedures in an understandable and simplified form.

## Article 14. Liberty and Security of the Person

84. The condition of the liberty of the people with disabilities in Georgia does not meet the convention requirements. The situation is even more difficult in terms of the rights of the people with disabilities at penitentiary and inpatient psychiatric treatment facilities.
85. The criteria to identify inmates with disabilities are not determined at penitentiary facilities thus comprehensive statistics cannot be processed<sup>cxvi</sup>.
86. There is no standard of primary physical and psychological health examination and reveal of inmates at penitentiary institutions, a multidisciplinary assessment of inmates is not available, somatic, psychological/psychical, social, legal needs are not determined<sup>cxvii</sup>. Primary psychiatric assessment of inmates never happen. Determination of a status of a person with disability of convicts/inmates remains as unsolved problem. The institutions do not have information on the persons with disabilities who had the status of a person with disability before going to a penitentiary facility<sup>cxviii</sup>.
87. Special services for the persons with disabilities are not introduced at any of the facilities. An assistant is not provided at convict/inmate treatment facilities and at places of detention who would assist persons with disability in case of necessity. The function is often fulfilled by the floor officers on duty who do not have sufficient skills to assist. Persons with disability often do not receive means of hygiene they need due to their condition (for example wet wipes)<sup>cxix</sup>.
88. The physical environment accessibility issue remains unsolved. Even at the institutions with environment adapted, the respective norms are not followed. Wheelchair users live in wards without adaptation. The bathrooms are not adapted, because of which they have to go to bathroom without wheelchair using different means of assistance, causing a lot of pain. There are cases when wheelchair user do not have wheelchair. Often there is no space in the cell to move with a wheelchair<sup>cxx</sup>.
89. The facilities are completely inaccessible for the blind people. There is no person responsible for assistance in such environment and the administration staff often fulfill these functions<sup>cxxi</sup>.
90. Rehabilitation is not provided to the patients going through involuntary treatment at penitentiary institutions. Patients both from the penitentiary facility and on involuntary treatment go through treatment in the same strict regime conditions and psychiatric assistance includes pharmacotherapy only<sup>cxxii</sup>.
91. The situation at the forensic psychiatric unit of the National Center for Mental Health should be mentioned separately. No individual approach to patients, examination of individual needs or multidisciplinary work is applied at the institution. Injection and intimidation is used to control patients' aggression<sup>cxxiii</sup>.



92. The situation at psychiatric institutions remains an unsolved problem. There are several cases observed of physical violence and verbal abuse against patients<sup>xxxiv</sup>. Physical and chemical restrictions, physical binding methods and injections in the presence of other patients are used with patients<sup>xxxv</sup>. Often there is a lack of access to timely and adequate treatment of somatic diseases, which often ends with deaths<sup>xxxvi</sup>.
93. The Law of Georgia on Psychiatric Assistance does not include the maximum term for physical restriction application, which can be a threat for a person going through an inpatient treatment. There is no legal records regulating chemical restriction either. The Georgian Law on Psychiatric Assistance does not give a clear and comprehensive list of involuntary inpatient psychiatric assistance acceptance creating a major risk of the violation of the rights of persons with mental health problems in practice<sup>xxxvii</sup>.
94. The patients are placed in isolation cells. This is especially problematic in situations when the cells are not specially and respectively equipped and the risks of self-injury of a patient is high. In most of the cases sanitary-hygienic situation at the psychiatric institutions are in a condition that can be assessed as inhuman and degrading treatment<sup>xxxviii</sup>.
95. There are still so called perpetual patients at psychiatric institutions up today. They have been staying at inpatient facility for years without leaving it while there is no need of active treatment. The reason they have to stay at the psychiatric facility permanently is that they have nowhere to go. The number of such patients is 30-40%. There is no strategy in the country on how to include these people in community care services, there is no support system, residential/long-term care facilities, geographical accessibility to outpatient psychiatric services and community based psychiatric services<sup>xxxix</sup>.
96. Children and adults with disabilities in Georgia continue to live in large residential establishments that completely exclude their right to free development. Nowadays there are 2 residential establishments for children and 3 residential establishments for adults with disabilities in the country where systemic violation of their rights occur on a daily basis. The environment at the institutions completely excludes the support of independent life of the beneficiaries.
97. The main problems that infringe violation of the rights of individuals living in institutions are: Inadequate infrastructure, lack of professional and support staff, absence of rehabilitation services, lack of contact with the outside world, isolation from the society, problems related to medical care. The challenges often cause death of the individuals living at the institutions and completely exclude offering services that are tailored to individual needs. Awareness of the beneficiaries about their rights is very low. They have no access to the protection of their rights and to mechanisms of appeal<sup>xxxx</sup>.

98. Upon implementation of the legal capability reform representatives of the state Social Service Agency were appointed as supporters to the persons recognized as incapable living at large institutions which completely contradicts the essence of the reform, monitoring and quality assurance. The abovementioned is caused by the fact that the employees of the Social Service Agency, which is responsible to ensure monitoring of the supporters' fulfilling their duties, represent supporters themselves. In addition, the supporters are geographically distant from the support recipients complicating the rights and promotion of independent life of the persons living at institutions.

**Recommendations:**

- **Criteria to identify inmates with disabilities and methodology to process statistics should be introduced at penitentiary institutions;**
- **Standard of primary examination of physical and mental health of the inmates with disabilities and reveal should be developed, a multidisciplinary approach of assessment should be introduced;**
- **Standard should be determined according to which a status of disability of an inmate should be recognized in case of necessity;**
- **Rehabilitation services should be introduced at the penitentiary institutions;**
- **Persons with respective qualification should be identified to provide support to the inmates with disabilities in case of necessity;**
- **Physical environment accessibility should be ensured at every penitentiary institution in accordance to the standards;**
- **Multidisciplinary work should be introduced at the Forensic Psychiatric Unit of the National Center of Mental Health which will be aimed to determine individual needs;**
- **Maximal term for physical and chemical restriction should be determined by the Law of Georgian on Psychiatric Assistance; Specific and comprehensive criteria of involuntary inpatient psychiatric treatment shall also be determined;**
- **A plan should be immediately developed to ensure involvement of the perpetual patients of the psychiatric institutions in the community services;**
- **Amendments should be made to the Law of Georgia on Licensing of Educational Activities to eliminate functioning of the large residential institutions without meeting the licensing conditions envisaged by the law;**
- **An action plan should be immediately developed with participation of all respective governmental bodies aiming to ensure the use of all the fundamental rights of children with disabilities living at boarding houses under the Patriarchy of the Orthodox Church and Muslim Confession in Georgia;**

- Immediate initiation of community-based services development and provision to the persons residing in large residential institutions; implementation of the activities to support their independent life;
- Development of a unified support system to replace the possibility of appointing social workers to the support recipients under the state care as supporters, which also should be reflected in the legislation.

## Article 19. Living Independently and Being Included in the Community

99. The state does not have a strategy developed to ensure the adequate living standards to the people with special needs who left the state care. Thus, the state is unable to implement an efficient and outcome oriented policy on independent life and inclusion of the persons with disabilities in the society.
100. Despite the deinstitutionalization of the children's homes and implementation of the mental health reform within the reporting period persons with special needs were not prepared for independent life and actively engaged in public life. Improper provision of the community-based services and decrease of the budget<sup>cxv</sup> for the state programs contributed to losing the possibility of a private life for them.
101. Exercise of the right recognized by the Article 19 of the Convention is especially limited after expiry of the state care for the persons with disabilities who have been at the institution since childhood and after reaching adulthood have to leave the facility unprepared for the independent life. The state on its side does not offer any support because of which they are left without residence and respective services together with other social-economic problem<sup>cxvii</sup>.
102. The children's homes deinstitutionalization process that started in 2009 discriminatively neglected children and adults with disabilities at every stage of its implementation as a result of which they stay at state institutions up today<sup>cxviii</sup>. Thus, the right of the children with disabilities to an independent life was not realized in the process on an equal basis with others<sup>cxviiii</sup>.
103. According to the National Standard<sup>cxv</sup> the 24hr service provider should support development of the beneficiary's skills necessary for independent life. Although the facilities did not have enough resources for the inclusive education and social development of the children with special needs who were left beyond the deinstitutionalization process, resulting in personal development impediment and losing the opportunity of an independent life when they reach adulthood. Thus, the only perspective is their placement at adult boarding homes for persons with disabilities<sup>cxvii</sup>.
104. The subprogram of the small family-type homes determines beneficiaries by the underprivileged persons with disabilities. In addition, it envisages provision of service through distribution of limited nonmaterial vouchers in the regions of Georgia, though the program will not cover every region of the country, which hinders its accessibility<sup>cxviii</sup>.
105. The mental health reform started in 2011 in Georgia after which large institutions were closed and several new, small institutions were opened instead<sup>cxviii</sup>. Despite this, the

- mentioned process did not cover every large institution and some of the facilities still continue to function.
106. Large institutions are often recondition of social isolation and alienation from the society of the persons with disabilities. Special reports of the Public Defender of Georgia outline the systemic problems such as improper treatment at the institutions, facts of physical restriction of the beneficiaries, restriction of psycho-social rehabilitation service, problem with medical care accessibility etc.<sup>cxxxix</sup>
  107. Majority of the adult boarding home beneficiaries with disabilities have a long institutional experience. Most of them has broken connection with the biological families. Institutional upbringing, lack of inclusive education, social and professional skills causes their isolation from the society and attachment to the institution, which significantly decreases the possibility of reintegration process and independent life<sup>cxl</sup>.
  108. The status of formal use of voluntary inpatient psychiatric treatment by a beneficiary at a psychiatric institution remains problematic. In accordance to the Public Defender's report, majority of beneficiaries sometimes undergo psychiatric treatment at institutions due to their and/or their families' social problem. In majority of the cases these institutions has a social shelter meaning rather that of a psychiatric treatment and rehabilitation institution and this shows the social policy implementation inability of the state. In spite of the fact that majority of these beneficiaries are able to live without support, they choose a life at a psychiatric institution due to lack of housing<sup>cxli</sup>.
  109. As for the community based services a small community organization subprogram is functioning to strengthen them<sup>cxlii</sup>. It should be noted that the target group of the community organization subprogram are adult persons with disabilities<sup>cxliii</sup>, although a personal assistance service is unavailable for the beneficiaries, since the subprogram does not envisage provision of such service. In addition, the mentioned subprogram implies distribution of limited nonmaterial vouchers and provision of service through it; but it does not give information about geographical coverage and lack of information complicates provision of the service to the target group members even more.<sup>cxliv</sup>

#### **Recommendations:**

- **The state should ensure legislative regulation of the actions to support independent lives of the persons with special needs who are out of state care, the state shall develop strategy and action plan in accordance to the obligations undertaken within the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD);**
- **Deinstitutionalization process of large institutions should be planned envisaging interest of every person with disability;**
- **Alternate small services should be developed;**

- The state should ensure support of independent life of persons with disabilities through homecare and various schemes of individual support;
- Community based services should be introduced and developed to engage persons with disabilities in public life and geographical accessibility of the service should be ensured.

## Article 20. Personal Mobility

110. Personal mobility as well as accessibility of physical environment, infrastructure and transport remain a problem for persons with disabilities. This supports their isolation from the society.
111. Since 2014, the State Program on Social Rehabilitation and Child Care does not change the practice and repeats one and the same approach year after year in terms of auxiliary service provision. The topic of funding is different every year.<sup>cxlv</sup>
112. Existence of additional measures to support personal mobility of people with disabilities are determined by a subprogram<sup>cxlvi</sup> beneficiaries of which are persons with disabilities and elderly people (women from 60 and men from 65)<sup>cxlvii</sup>. However, due to the lack of information, the written appeal to the wrong addressee is frequent, especially by persons living in regions after which persons with disabilities or their representatives receive negative answer on auxiliary means hindering full exercise of their rights<sup>cxlviii</sup>. Full provision of respective persons with auxiliary means envisaged by the subprogram remain as problem. The state care institutions are not equipped with sufficient technical resources until today, which has been mentioned several times in the reports prepared by the Public Defender of Georgia<sup>cxlix</sup>.
113. In addition, there is no personal assistant program for blind persons. This service is available in the capital only, yet improperly<sup>cl</sup>. Currently there are three assistants with whom a 10-month contract can be signed meaning leaving the blind persons in isolation for the rest of the time<sup>cli</sup>. Personal assistance service provision is impossible at educational institutions, as they do not provide personal reader service to respective persons<sup>clii</sup>. Here should be noted that in the conditions of the small funding and improper service support of deaf communication is even more decreasing.<sup>cliii</sup>
114. In addition, any kind of training that will help people with disabilities and persons working with them to exercise personal mobility is not envisaged by a program determined by the state. The state provides recommendatory-consulting and technical assistance regarding auxiliary means instead; this is possible for some auxiliary means though.<sup>cliv</sup>
115. Thus, the service provided inadequately, inadequate number of staff and incomplete equipment with auxiliary means still remain as problem. The mentioned process significantly hinders support of personal mobility of people with disabilities.

### Recommendations:

- An efficient policy for accessibility standard enforcement and supervision should be developed;

- Persons with special needs should be fully equipped with respective auxiliary means;
- Topics regarding the persons with disabilities and information about their needs should be envisaged in the process of the local government public servant lifelong education system development proposal elaboration process;
- An efficient supervision mechanism should be introduced in the spatial planning process for the persons with disabilities.



## Article 21. Freedom of Expression and Access to Information

116. The standard access to information by of PWDs and the quality of its implementation is not in line with the requirements of CRPD.
117. Inadequacy of the respective legislative frameworks and insufficiency of the State measures for realization of rights indicates to ineffective public policy. Accessibility of information and providing alternative technologies for PWDs is very low.<sup>clv</sup> The State failed to take appropriate significant measures to fulfill the obligations undertaken with Article 21 of the Convention. As a result the State mainly fails to ensure free access of PWDs to information, including on activities of the State agencies, as proactively as well as upon inquiry.
118. State report on implementation of the Convention mainly concerns legislative guarantees of providing public information to the PWDs, however it does not emphasize the specificities that should be considered by the legislation with respect to the mentioned particular group. Additionally the report does not review the practical obstacles that the persons with special communication need face. The report does not cover the situation and challenges regarding access to information from different sources of distribution (media, internet etc.) Therefore it does not create the full picture with respect to enjoying the rights.
119. The guarantees of accessibility to information is ensured by the Constitution of Georgia<sup>clvi</sup> and General Administrative Code of Georgia.<sup>clvii</sup> Legislation holds a neutral position in regard to access to information and does not foresee the state obligation to provide the information in accessible (adapted) format and the opportunity to get special support from the state in the process of getting information.<sup>clviii</sup> Law of Georgia on Social Care of PWDs, as special law regulating rights of PWDs, does not provide for right of PWDs to access to information in an adapted way.<sup>clix</sup>
120. Additionally there is no standard of access to information and services for the PWDs.<sup>clx</sup> Current standard of accessibility in the country only relates to the environment and does not cover issues of accessibility of information and services.<sup>clxi</sup>
121. The National Legislation does not provide for the standard of access to information for media, internet and other sources of information and obligation to implementation that could gradually provide for obligation for its execution. The legislative amendments to ensure access to media and other means of information for the PWDs were provided for with the Government' Action Plan on Equalization of Opportunities for PWDs (2014-2016).<sup>clxii</sup> However only preparatory works have been conducted in this regard by the responsible agency.<sup>clxiii</sup> The Public Defender applied to the respective agency in 2015 regarding execution of the mentioned obligation.<sup>clxiv</sup>

122. There are no state programs of access to information for persons with special communication needs, just for the persons with hearing loss. The only program for realization of right to information in the State is „Subprogram for supporting communication of deaf people”, that only concerns access to information of persons with hearing loss and does not consider other PWDs that require to receive information in modified way, as target group.<sup>clxv</sup>The existing program provides limited service and the geographic coverage is also limited.<sup>clxvi</sup>The number of beneficiaries of the program is not high,<sup>clxvii</sup>therefore it cannot be deemed as sufficient and effective measure,<sup>clxviii</sup>especially considering the fact that only 10 sign-interpreters are considered throughout the country to exercise the mentioned type of interpretation.<sup>clxix</sup>
123. The quality of providing access to information for the PWDs by the State agencies is also low in practice. The web-pages of public agencies and the information published on them mainly is not accessible by the PWDs or the degree of adaptation is not in line with the standards of the Convention.<sup>clxx</sup>
124. Web-pages of major part of State Agencies, executive authorities<sup>clxxi</sup> - Offices of the State Minister, Ministries and subordinated Legal Entities of Public Law are not accessible for the PWDs, only small part is adapted for the beneficiaries that themselves own the special software with this purpose.<sup>clxxii</sup>
125. In case of lodging the complaint to the court there is no adapted application form for visually impaired persons using of which is obligatory for lodging the complaint to the court.<sup>clxxiii</sup>Neither is adapted web-page of Legislative Herald of Georgia<sup>clxxiv</sup>, also the webpage aimed at participation in competition for public service vacant positions that is the only way to participate in the mentioned competition.<sup>clxxv</sup>
126. Small number of PWDs has applied to agencies requesting public information. There is no official information regarding request to receive public information in adapted way.<sup>clxxvi</sup>Community and the Public Defender explain this fact as the result of obstacles on access to information.<sup>clxxvii</sup>
127. The information broadcasted by the TV-media also is not accessible for the PWDsand the Public Broadcaster uses the special augmentative communication means only on the minimum level.<sup>clxxviii</sup>

#### **Recommendation:**

- **Define the legislative standard of access to information and services for the persons with special communication requirements, including for State services, media, press and other means of information, for public as well as private sector;**
- **State should develop a plan to gradually adapt information and services and shall develop effective leverages to execute the plan;**

- PWDs should be provided the information in the format and with the technologies accessible for them (Braille, larger bold letters), proactively as well as upon request;
- Adapt web-pages of public state agencies for the PWDs in accordance with standards of the UN Convention, gradually plan and execute the process of adaptation of private organizations;
- State agencies should use and implement alternative communication means to communicate with persons with special communication needs;
- The employees of the public agencies should be trained in order to be able to provide PWDs proper access to information and services.

## Article 23. Respect for Home and the Family

128. The right of PWDs to respect for home and the family is totally neglected due to lack of proper state services and legal regulations. The right to respect for home and family is especially problematic with persons that live under the state care.
129. PWDs living in boarding houses have no right to have the children living with them and the children are involved in alternative forms of care. There are no supporting programs currently in the country and mainly the programs of family replacement are given priority, as a result of which the child actually stops contact with birth parents<sup>clxxxix</sup>. This usually is caused by placing a child in state care on distant places that creates more hampering conditions in regard to protection of right to home and family<sup>clxxx</sup>. As regard to existence of community organizations of PWDs in the country there is a different approach that allows the persons benefitting from community services to rise children under 18 years, if it does not contradict the interests of the child.<sup>clxxxi</sup>. However despite the mentioned opportunity stipulated by law, in the absence of relevant positive measures, none of such facts were identified.
130. Existing approach of Georgian legislation that fully excluded exercise of the right to home and family by the legally incompetent persons has been annulled after the Legal capacity reform. However despite the amendments there still are legislative gaps that require regulation. Law of Georgia on Adoption and Foster Care does not restrict the person under state care to adopt, however it prohibits the person under state care to be foster mother/father i.e. foster care<sup>clxxxii</sup>.
131. Blank restriction is provided for with norms regulating establishment of paternity<sup>clxxxiii</sup>. Registration of establishment of paternity for the person that is declared as beneficiary of support, also establishment of paternity for child the father of which is recognized as person under care, can be performed only based on the court decision, despite the spheres where the person under care was recognized as person in need of such care.<sup>clxxxiv</sup>
132. Wedding contract obligation<sup>clxxxv</sup> in regard to marriage of persons declared as recipients of support is not in line with Convention requirements as it fully excludes the model based on individual approach<sup>clxxxvi</sup> despite the fact whether or not supporting person was assigned for transactions.
133. Right to motherhood is especially often violated in regards to women identified as persons with psychosocial needs that is caused by using medical approaches instead of social model in the assessment of women with mental health problems by social workers<sup>clxxxvii</sup>.

134. In regards to right to respect for home and family women with disabilities are in more complicated situation, especially the women with psychosocial needs. In family disputes, if the woman is with psychosocial needs, the fate of the child is decided and court gives full custody to father. The major determining factor in making a decision is the diagnoses of a woman not her abilities<sup>clxxxviii</sup>.

**Recommendation:**

- Social service agency should assess all the PWDs under state care that have child and provide residential areas to mentioned families based on the interests of the child, perform auxiliary measures based on each individual cases, for the child to be raised with birth parents;
- Amendments should be developed for the Law of Georgia On Adoption and Foster Care and raise a limitation that prohibits beneficiary of support to register as foster parent despite the sphere defined by court;
- Amendments should be made to the Law of Georgia on Civil Acts and limitation should be raised that defines the ruling of the court as the obligatory rule for establishment of paternity if the person is beneficiary of support;
- The wedding contract obligation should be based on individual approach and shall not be obligatory for all beneficiaries of support;
- The social workers should be trained to increase qualification in the field of mental health that excludes diagnostic approach when determining place of residence of the child.

## Article 24. Education

135. Problem regarding education for the PWDs is the low quality of education, insufficient qualification of the teachers, insufficient implementation of inclusive education and low quality adaptation of environment for the students with disabilities.<sup>clxxxix</sup>
136. The local self-government authorities manage pre-school educational institutions in Georgia<sup>exc</sup> that implies that each of the municipalities resolves administrative and essential issues related to pre-school education. There was no unified standard in the country concerning general pre-school as well as inclusive pre-school education. New law was adopted in 2016 that was to be aimed at implementing unified standard of pre-school education and training<sup>excj</sup>. Despite the advantage of adopting unified legal document on pre-school education, it cannot be deemed as effective. Majority of requirements of the law will not be enacted during next few years that is caused by terms defined in transitional provisions for its separate articles. Currently the budgets of only three municipalities<sup>excii</sup> provide for obligation of supporting inclusive pre-school education. However not even in the mentioned case is specified what measures does the support of inclusive pre-school education includes.
137. In most cases involvement of children with disabilities in pre-school educations is of formal nature, the children are not participating in different activities.<sup>exciii</sup> In some cases, administration of kindergartens requires the parents to be next to child or hire helper. The mentioned problem is particularly acute concerning children with autism spectrum and development disabilities. The cases of refusing the child to be received in the kindergarten were identified when the parents could not hire helper or were not capable to stay with child with autism spectrum and development disabilities. The problem is more aggravated with low awareness of the parents. Majority of them, especially in regions are not aware of their rights and how to protect own rights. Problem of overloaded groups in regard to pre-school education still exists across the country that excludes the possibility of providing qualitative inclusive education to the children with disabilities.
138. Environment in the kindergartens is not adapted for children with disabilities<sup>exciv</sup>. The following issues are most problematic in regard to right of child with disabilities to pre-school education: providing adapted educational-cognitive environment for the children, non-regular and non-systematic assessment of children needs by multidisciplinary group, lack of permanent staff of Methodist, speech therapist, psychologist and special teacher. The cases of violence against children with disabilities are frequent<sup>exciv</sup>.

139. Inclusive general education in Georgian schools in most cases cannot fulfil its function properly. The majority of children with disabilities are not provided with service based on individual approach. The mentioned problem is caused by lack of proper specialists. The current program of inclusive education cannot give the children with disabilities the skills necessary for increasing the opportunity of independent living in future<sup>cxvii</sup>.
140. Inaccessibility of physical environment of secondary schools, vocational and higher education institutes in regard to accessibility to education for children with disabilities still remain insurmountable barrier<sup>cxviii</sup>. Accessibility of physical environment in public schools is not based only on principles of universal design and recognizes the needs of persons with physical disabilities. However, not all the necessary standards are considered in this regard. Only nine schools of Georgia have been fully adapted the physical environment (0.39%). There are 84 public and vocational colleges in Georgia<sup>cxviii</sup>. Only 19 (22.6%) out of mentioned colleges are adapted and six professional colleges (7.1%) are being adapted<sup>cxix</sup>.
141. The quantity of students involved in general education system of Georgia reveal that children with disabilities are still left beyond general, compulsory education. Namely, 9274 children with disabilities were registered in Georgia by 2015 and 5196 child with disabilities were involved in general education system in 2014-2015. Accordingly, 4078 children are not receiving compulsory education<sup>cc</sup>.
142. Integrated class as one of the components of inclusive education cannot provide qualitative inclusive education to the children with disabilities. The mentioned problem is caused by several factors: the lack of special teachers; lack individual assistances that would work on effective involvement of the child in general education process in case of outlined need; the parents are forced to hire the helpers with own resources. However, majority of parents are unable to do so due to economic problems; there is no special person defined in the school that would be responsible on execution of individual development plan and involvement in the education process of the child enrolled in the class and all the mentioned causes ineffective implementation of the goals set with individual development plan.<sup>cci</sup> During the general education process no other skills of the student except education need, which is related to overcoming education program, is assessed that usually causes discrimination and humiliation of children with disabilities.<sup>ccii</sup> Territorial and geographic accessibility is not ensured in case of integrated classes. Problem of management of behavior is named as the major problem by the parents that are not addressed properly.
143. Most of the problems concerning right to education of children with disabilities exist in high-mountainous regions of Georgia that is expressed with insufficient implementation

- of inclusive education programs, lack of teachers of special education and non-adapted environment of the educational institution<sup>cciii</sup>.
144. The major role in the process of providing inclusive education in Georgia lies within the special teacher that is responsible for teaching SEN child on initial stage and supporting in involvement in education process<sup>cciv</sup>. Despite the particular role of the special teacher in providing inclusive education and developing education environment adapted to student's individual needs, the status of the special teacher is not equaled to the status of teacher that directly reflects the process of receiving qualitative inclusive education by the SEN children<sup>ccv</sup>. Besides the fact that the activities of the special teacher are not regulated, the legislation does not provide for improvement of their higher education programs, control of the quality of service provided by them, improvement of their professional development systems and connection with professional activities.
145. According to the current existing system in Georgia in order to grant SEN status to child, consent of parent/legal representative is required<sup>ccvi</sup>. If the parent refuses to define SEN status to the child, he/she is not given the opportunity to use the benefits that are required to achieve the goals defined by the Education Plan. The legislation does not provide for measures to be taken by the proper organs of the Ministry of Education and Science of Georgia that would ensure the awareness of the parent in such cases. Due to abovementioned, it can be said that the interest of the SEN children are neglected and the right to education is violated.
146. Currently children can get general education in schools with special profiles, in boarding schools. There are eight such institutions in Georgia nowadays<sup>ccvii</sup> that serve students with psychosocial and intellectual disabilities, visual impairments, hearing impairments and students with behavioral and emotional problems. Besides the fact that the mentioned attitude fully excludes principle of the inclusive education, it also fully neglects the right of SEN children to raise and develop in family environment due to territorial accessibility.
147. The vocational inclusive education still faces some significant challenges despite number of positive measures. In 2013-2015 number of students with special education needs and terminated status, participating in educational programs was more than 15%. There is no legislative act regulating inclusive vocational education, the Law of Georgia on Vocational Education does not provide for the provision regarding inclusive education, not all the required programs are provided for the students, despite the changes, accessible environment is not provided, teachers' qualification and educational resources are insufficient<sup>ccviii</sup>.
148. The situation is even more aggravated for the PWDs in regard to receiving higher education. There is no mechanism of support of SEN students and PWDs in higher



education institutions<sup>ccix</sup> as the majority of the institutions are not adapted, they do not provide for adaptations of education process in regard to accessibility of educational resources and augmentative technologies. There is no mechanism of monitoring that would control the mentioned process<sup>ccx</sup>.

**Recommendation:**

- Before the regulations of the Law of Georgia On Early and Preschool Education are entered into force, the procedures required for getting inclusive preschool education should be defined in all municipalities; proper resources should be allocated from the budget;
- Monitoring system of inclusive preschool education should be implemented on municipal level;
- The position of individual helper should be provided in preschool institutions in case of need and parents shall not be obliged to taken as helpers;
- The plan of adaptation of old preschool facilities should be implemented gradually with proper budget allocation in all municipalities;
- The positions of supporting specialists should be provided for in the preschool institutions with children with disabilities;
- Special action plan should be developed in order to ensure accessibility of environment of public schools, vocational and higher education institutions that will be based on principles of universal design;
- Special person working on individual development plan of the child should be defined in schools with integrated classes;
- Practice of enrolling the child in integrated classes should be reduced to the minimum;
- Special teacher should be equaled to the category of teachers and they should be included in the scheme of professional development;
- Special body in system of general education, responsible for working with parents that refuses to grant the child SEN status in case of necessity should be defined by the legislation;
- Special, boarding schools should be closed;
- The legislation shall regulate inclusive vocational and higher education issues, gradual plan should be developed to implement inclusive education and special agency should be established, responsible for monitoring.

## Article 25. Health

149. Healthcare system existing in Country does not meet individual needs of the PWDs.
150. State Healthcare Program only partially includes resolution of problems facing the PWDs. Early detection of diseases and screening<sup>ccxi</sup> covers involvement in service of only children from 1 to 6 years with mild and moderate retardation and diagnostics and research of epilepsy. The program does not provide for other types of early detection and screening of other types of limited abilities and does not cover the children/adults above 6 year.
151. The State Insurance Program functions in Georgia since 2013<sup>ccxii</sup>. The analysis of the program reveals that besides funding of ambulatory and stationery services like other occasions, the individual interests of PWDs are not considered and the PWDs that live in Georgia benefit with health insurance plan equally to other citizens that represent the discriminative attitude towards them<sup>ccxiii</sup>. Conditions of insurance of children under 18 years and persons with severe disabilities are outlined separately in the program, however neither they provide for meeting preventive, rehabilitation and individual needs<sup>ccxiv</sup>. Furthermore, the persons with mild and moderate disabilities have no opportunity to benefit from different insurance plans.
152. Access to environment and existing services are considered by the State as providing opportunity of safe transportation that excludes full and effective benefit of healthcare services by them. Documents regulating access to healthcare obligate health care organizations only to provide the proper conditions for safe transportation of the PWDs<sup>ccxv</sup>. The conditions of ambulatory service directly indicate that only ramps are implied under access to medical services and safe transportation of PWDs<sup>ccxvi</sup>.
153. Protocols and guidelines existing in Georgia, aimed at needs of persons/children with disabilities cannot function effectively due to lack of effective control and lack of awareness of proper specialists of the Ministry of Health<sup>ccxvii</sup>.

### 25.1. Mental health

154. Insufficient funding of mental health remains unsolved problem in regard to mental health care that is directly reflected on quality of mental health services. Funding of inpatient services are still priority.
155. Important step towards deinstitutionalization process in mental health care sphere was development of State Concept of Mental Health<sup>ccxviii</sup> and strategic document of mental healthcare development and action plan of 2015-2020<sup>ccxix</sup>. Self-determination and integration into society of persons with mental health problems are defined as vision of future by the mentioned documents that implies hospital treatment in general profile hospitals and development of mental health services based on community.
156. Despite the progressive approach defined by the strategic documents, decision by the Government of Georgia of 2017<sup>ccxx</sup> regarding funding of mental health care, aggravated condition of the persons with mental health problems and created actual threat of patients' institutionalization. As a result of change of the funding scheme, inpatient

funding of urgent cases have decreased that caused termination of functioning of psychiatric departments within multi-profile private clinics.

157. Psychiatric services lack the qualified personnel, there is no proper therapeutic environment, persons with mental health problems usually stay for long term inpatient care, there are no services based on the community. Fact that the treatment in healthcare institutions are considered as pharmacological therapy not only by the administrative personnel but also by the doctors, represents one of the major problems in terms of respecting right to mental healthcare that fully excludes bio psychosocial approach. Considering the fact that outpatient service has minor funding, it is almost impossible to maintain strong remission phase. In addition to it, there is lack of out-of-hospital service that creates high risk of re-aggravation and repeated hospitalization. Low quality of medication is especially critical from pharmacological problems<sup>ccxxi</sup>.
158. Children also are maintained in hospital for prolonged, that is related to improper fulfillment of the obligations by social workers. There are cases when multidisciplinary approach is not used with child, no individual development plan is developed that includes as pharmacological work as well as works on psychological and behavioral problems. There are cases when underage patients are placed in adult hospital<sup>ccxxii</sup>.
159. Heavy conditions of psychiatric institutions are conditioned by lack of procedures directed to State supervision and monitoring of protection of rights of patients.
160. Number of beds for psychiatric patients in Georgia in general profile hospitals is 2.31 per 10000 inhabitants and in psychiatric clinics 32.32, and in case of community institutions – 0, while this indicator around the world is 17.5<sup>ccxxiii</sup> There are only 18 outpatient institutions, 48% of which are in Tbilisi and in most cases does not exist in remote regions.<sup>ccxxiv</sup>

#### **Recommendation:**

- **Individual needs of PWDs should be considered in all state healthcare programs;**
- **State insurance state program should be based on individual needs of PWDs that will consider age and gender specifications;**
- **Accessibility of all medical institutions should be ensured that will be based not only on requirement for safe transportation of PWDs and be directed to creating universal design;**
- **Effective system of developing protocols and guidelines should be developed;**
- **Continuous education system of medical personnel should be implemented in regard to service standards of PWDs and communication;**
- **The plan, directed to increasing geographic accessibility of psychiatric healthcare outpatient services should be developed;**
- **The state should take all required measures aimed at implementing effective and timely deinstitutionalization policy in the sphere of psychiatric healthcare;**
- **Action plan of creating mental healthcare community services and geographic accessibility should be developed with proper budget;**

- Amendments should be made to procedures of purchasing mental healthcare medication and purchase of relatively high quality medication should be ensured;
- The state should take all required financial and institutional measures to provide inpatient treatment of persons with mental health problems in multi-profile hospitals.

## Article 26. Habilitation and Rehabilitation

161. Pursuant to the Law of Georgia on Social Protection of PWDs and in line with requirements of the Convention, the State shall organize and facilitate formation and development of medical, professional and social rehabilitation system for PWDs through individual approach and funding of medical studies/training of the specialists.<sup>ccxxv</sup> All these articles of the Law are being violated, goals – unfulfilled or partially fulfilled. All these services are either inaccessible or partially accessible for community of PWDs. There is no unified, consistent, mutual policy and system for medical, professional and social rehabilitation of PWDs. There is no state program to support science studies in this regard and to train specialists that could meet the community needs. There is no individual system of assessing abilities and needs of PWDs, existing model of assessment/awarding status and state programs are based only on medical diagnosis and not on individual needs. Accordingly, there is no individually developed rehabilitation (different directions) program for PWDs that would have been obligatory. Separate fragmentary programs and services with rehabilitation purposes are almost fully inaccessible for adult PWDs and partially accessible for underage (under 18) PWDs. Furthermore, specific needs of women and girls with disabilities are almost fully neglected.<sup>ccxxvi</sup>
162. Government Action Plan on Equalization of Opportunities for PWDs (2014-2016) approved with resolution of January 20, 2014,<sup>ccxxvii</sup> the same way as Government Action Plan on Human Rights Protection (2014-2015)<sup>ccxxviii</sup> set goals for the State to increase accessibility and development of existing services and programs for habilitation and rehabilitation, with special indicators of execution. In the performance report the Government itself discusses the partial execution of common goal,<sup>ccxxix</sup> however, only in terms of subprograms and services for representatives of separate sub-group children with disabilities. There are only subprograms on children's habilitation/rehabilitation, children early development and day care center subprograms and the access to abovementioned is partially increased. The report does not mention, for instance, lack of system of individual assessment of needs and strengths; impossibility of involvement in different spheres of public life close to place of residence with social rehabilitation purposes in all geographic areas; lack of services of social rehabilitation centers and mobile groups; lack and thus full inaccessibility of rehabilitation services for adults.
163. Subprograms on children's habilitation/rehabilitation is not accessible for all children. The subprogram is planned in such way that not all the children with disabilities with individual needs can benefit from the subprogram, but answers only the needs of certain diagnosis. Program restricts the children with disabilities that have no diagnosis that is

necessary condition for participation in the program to benefit from existing services, physical and social rehabilitation means. Multidisciplinary group of specialists develops annual plan of individual habilitation/rehabilitation of children involved in the program. However, the plan, despite what actual needs the child may have, should fit in predefined limit (that, according to parents is insufficient) of number of courses and financial expenses.<sup>ccxxx</sup> Despite the increased number of service providers, we just need to check the actual numbers in order to see how many children's rights remain violated to receive full-value physical and social rehabilitation – there are 9696 children with disabilities registered in the country. 859 out of them benefit from the rehabilitation/habilitation program.<sup>ccxxxi</sup>

164. Despite the un-alternative significance of Children Early Development subprogram,<sup>ccxxxii</sup> it is not accessible for everybody and is only accessible in separate geographic areas, within the limited finances (495 GEL per year). Total 15 organizations are providing the service<sup>ccxxxiii</sup> - only in separate municipalities. Families living in majority of geographic areas are left beyond the service. And as regards the areas where the services are provided, children and their families are put in the waiting list to get the opportunity to use the services. The program can serve up to 480 children across the country. Priority in the waiting list is given to the families involved in reintegration program, children under the foster care, and socially vulnerable families with lowest rating points. Accordingly, children with urgent need of services that do not fall under the mentioned categories, are likely to stay without the services.
165. Children with disabilities 6 to 18 years (not more than 618 children simultaneously across the country), PWDs (not more than 446 persons across the country simultaneously), children with severe and profound disabilities (not more than 66 children across the country simultaneously) from PWD community represent the target group for day care subprogram<sup>ccxxxiv</sup>. The service is provided in 27 administrative units out of 69. There are 71 service provider organizations in these 27 administrative units.<sup>ccxxxv</sup> Services to meet these needs of persons above 18 years is especially insufficient. Accordingly, number of regions and municipalities are left without service. As the service is provided to limited number, those children and adults that have need for services are left without services as they cannot come within priority waiting list due to lack this or that status. Day care centers are funded for the service provided 18 GEL per person. The money allocated is not enough to provide proper service and to meet the goals set by the day care center in accordance with standard. Accordingly, the centers are depended on major funding of donor organizations in order to provide medium and full service for customers. Those centers that do not have similar funding are at the risk of closure and/or cannot provide the beneficiaries the service even close to proper.

166. The City Hall of Tbilisi conducts rehabilitation program for children with autism spectrum from July 1, 2015<sup>ccxxxvi</sup>. Citizens of Georgia, aged 2-15 years, registered at Tbilisi Municipality that according to the international classification (ICD-10) were diagnosed as the general group with developmental disorders (F84.0- F84.9) are the target group of the program. Number of beneficiaries of the program per month is 400 child on average. The service is provided by 4 organizations. Diagnoses of autism spectrum and lack of awareness/passive attitude of the families towards timely identification of the problem still remains problematic. There is no exact data regarding how many of children registered in Tbilisi municipality have such disorder. Accordingly we cannot compare how many of them have need of and how many is actually benefitting from service. However, according to the information provided by the service providers and their experience, the need is much higher compared to number of children they provide their service to. This kind of services that are accessible only in Tbilisi and only for children registered in Tbilisi Municipalities, puts the other children with needs and their families across Georgia in discriminatory position.

**Recommendation:**

- The State should develop and implement system of assessment of opportunities and needs and binding individual program of rehabilitation/habilitation should be based on the mentioned system;
- State rehabilitation programs and services should be based on individual needs and opportunities and be planned accordingly;
- Physical, professional and social rehabilitation components should be planned and implemented coordinated;
- Adults rehabilitation programs should be developed and planned and specific needs of women and girls with disabilities should be considered properly;
- Studies of rehabilitation/habilitation and training/retraining of proper professionals should be supported;
- Development and expansion of service provider organizations should be supported and properly funded to meet facing requirements;
- Rehabilitation and habilitation services should be accessible in timely manner for the persons with any needs, despite the diagnoses, social status and should be close to the place of residence;
- Multi-profile, mixed rehabilitation centers should be established and operated in regional centers;
- Permanent assessment and monitoring of demand and delivery ratio, compliance of programs and services with needs and service delivery quality should be conducted.





## Article 27. Work and Employment

167. Despite the fact that the State prioritizes support of employment of PWDs, the State failed to develop and implement unified policy to solve the mentioned problem. Subsequently, existing policy in this regard cannot be assessed as a set of effective and efficient measures. The existing legislative base and state programs cannot meet the requirements and main principles of the Convention with the aim to strengthen PWDs so that they can be employed, including on an open and inclusive market.
168. Existing legislative and normative base cannot provide support of employment of PWDs on a minimum level, as well as support of PWDs on place of work.<sup>ccxxvii</sup> Law of Georgia on Social Protection of PWDs that regulates the issues of employment of PWDs is not effective as it does not include legislative safeguards and mechanisms necessary for its execution.<sup>ccxxviii</sup>
169. Legislation does not provide for grace mechanisms for employers to promote and encourage employment of PWDs. There are no special legislative mechanisms to promote employment of PWDs in the form of quotation and other promotion systems, in public as well as in private sector.<sup>ccxxix</sup>
170. Current legislation provides for only minimal tax grace regulations for certain categories of PWDs<sup>ccxl</sup> that cannot be assessed as sufficient measure considering its limited content and narrow target group. Furthermore, the number of beneficiaries is minimal.<sup>ccxli</sup>
171. Wage subsidy program of the State covers only private sector, furthermore, is short-term and cannot provide long-term employment of PWDs.<sup>ccxlii</sup>
172. Besides the lack of positive mechanisms, the current legislation provides for the regulation that limits the rights of certain category of PWDs employed in public sector that will have the social assistance packages terminated if employed in the public sector.<sup>ccxliii</sup> Furthermore, legislation provides for unjustified barriers for PWDs, namely the beneficiaries of support to be employed in the public service,<sup>ccxliv</sup> it also includes regulation granting rights to dismiss a person on the grounds of status of recipient of support that contradicts goals and principles of the convention.<sup>ccxlv</sup>
173. There were no significant steps made towards implementation of the policy promoting PWDs employment within the period of implementation of Convention.<sup>ccxlvi</sup> The State program of Development of Services of Employment Promotion<sup>ccxlvii</sup>, and State program of professional training/retraining and development of job-seekers operate since 2016.<sup>ccxlviii</sup> The mentioned programs provide the components of promotion of employment of PWDs on a minimum level, they are limited and are not based on study data. Namely: State Program of Development of Services of Employment Promotion provides for employment not more than 40 beneficiaries with State subsidizing of 50% of salary of employed. Furthermore, duration of the program is limited to 4 month term.<sup>ccxlix</sup>

174. Separate statistics of implementation of State program of professional training/retraining and development of job-seekers reveals low rate of involvement of PWDs.<sup>cc1</sup> According to the Government Report on program implementation, 15 309 job seekers were provided individual consultation by the territorial centers. 1 939 job seekers participated in group consultations, including 117 PWDs. The program operates two years already, however only 31 PWDs were involved in it during 2015<sup>cc1i</sup> that cannot be assessed as effective measure for increasing involvement of PWDs.
175. The State does not provide exact statistical data regarding the number of PWDs employed in private sector or self-employed.<sup>cc1ii</sup> The indicator of employment of PWDs in public sector is very low, namely out of 59 103 persons employed in public services only 112 are PWDs.<sup>cc1iii</sup>
176. Social Service Agency implemented the project in 2015 for improving the skills of PWDs required for employment that implied consultations with PWDs registered only in Tbilisi. The statistics of PWDs involved/participating in the events considered by the program was low, obviously.<sup>cc1iv</sup> The number of PWDs employed through this mechanism is also low, namely according to the statistic data, 12 PWDs were employed through the mentioned program in 2014, 9 – in 2015 and 11 – in 2016.<sup>cc1v</sup>
177. Quantitative indicator of visibility of PWDs by the State is low, accordingly the State has no full picture of needs of job seeker PWDs, including required for defining the scales of events to be planned for their further education or professional retraining.<sup>cc1vi</sup>

#### **Recommendation:**

- The State should reflect the obligation of guaranteeing the needs of PWDs in its legislation regulating labor and employment, for their further employment and for adapting working environments to their needs;
- Legislation should provide for positive mechanisms of promotion of employment of PWDs, including adequate and long-term salary subsidies, financial support of working environment adaptation programs; encouraging the employers with tax benefits and other relevant measures;
- The legislation should also provide for mechanism of obligatory employment of PWDs so called quotation system, firstly in public sector.
- Blanket restriction of termination of labor relations with PWDs, based on status, should be removed from public service regulatory legislation; also the discriminatory regulation on limiting social assistance package when employed in public service.
- Current State programs of labor and employment should be based on study data and analysis of existing needs. The area of their activities should be expanded and sustainability of achieved results should be ensured;

- Long-term programs promoting employment of PWDs should be implemented that will provide for training and periodic retraining of beneficiaries, also support components in the working process.

## Article 28. Adequate Standard of Living and Social Protection

178. Existing policy of social protection does not meet the real needs of PWDs as it does not consider their individual needs and instead is based on a degree of restriction that uses medical diagnosis as the key bearing point. Furthermore, their needs are not sufficiently considered in programs against poverty. The State does not possess long-term supportive programs for improving the quality of living of PWDs and against their poverty and social isolation.
179. Social policy of the country was not significantly changed during the process of implementation of CRPD. According to the Public Defender methodological changes to the unified State program for persons below the poverty line does not consider the needs of PWDs and mostly reveals the practice of harming their interests.<sup>cclvii</sup>
180. Legislation directed to social protection of PWDs is declaratory and outdated and despite the fact that the mentioned legislation is in force since 1997, it has not been fully practically implemented.<sup>cclviii</sup> Furthermore, the legislation does not reflect complex vision corresponding to Convention standard of social protection as the means of social protection are based on status of the PWD<sup>cclix</sup> and in fact, cannot meet the purpose of their individual social protection.
181. Current policy of social protection of PWDs implies regulation with monetary benefit – social assistance package. Additionally, the State program that operates in the country for the families receiving subsistence allowance beyond poverty line, also applies to the PWDs.
182. Receipt of social assistance package – defined for the PWDs<sup>cclx</sup> is related only to the status of the PWD and is not based on individual assessments and needs. Amount of cash allowances is predefined despite the individual need of the person that puts its adequacy in question.<sup>cclxi</sup> The status of the PWD is checked periodically and the process is often followed by termination of the package that severely impacts social condition of PWDs.<sup>cclxii</sup>
183. Additionally, the circle of recipients of the social assistance package is defined in discriminatory way as it does not include all persons with moderately expressed disability category.<sup>cclxiii</sup> The rule of termination of social assistance package is also discriminatory and is related to the employment of PWD in public service<sup>cclxiv</sup> and is terminated for the period of performance of public duties<sup>cclxv</sup> unlike when working in the private sector, where the PWDs retain social assistance package even if employed. It is important that Public Defender established direct discrimination on the mentioned issue.<sup>cclxvi</sup> Furthermore, the existing legislation prohibits receipt of cash benefit on the grounds of age and status simultaneously, despite the need.<sup>cclxvii</sup>
184. There is no strategy to fight against poverty of PWDs and no special programs with the purpose to realize the right to social protection of PWDs, accordingly there are

nopositive mechanisms to overcome poverty of PWDs. When there is proper precondition the PWDs, as well as the other persons fall under the unified state program for persons beyond the poverty line.<sup>cclxviii</sup> However, the program is not adequate towards the needs of the poor PWDs as the benefits provided for within its frameworks includes only deprived and extremely deprived families.<sup>cclxix</sup> The methodology itself was the subject of criticism of Public Defender in terms of adequate consideration of needs of PWDs.<sup>cclxx</sup>

185. Furthermore, in his annual report, Public Defender indicated the issue of full participation of PWDs in target assistance program provided for the families beyond the poverty line as problematic.<sup>cclxxi</sup> Despite the changes in methodology,<sup>cclxxii</sup> Public Defender still indicates the problem of considering the needs of children with disabilities,<sup>cclxxiii</sup> among them, based on the analysis of cases examined by him, points out general tendency, according to which families with children with disabilities have lost living allowance after the changes of the methodology based on examination and only part of them have the allowance restored.<sup>cclxxiv</sup> Public Defender prepared recommendations for the Ministry of Labor, Health and Social Affairs regarding the changes to the program methodology.<sup>cclxxv</sup>
186. Should also be noted the decreased tendency of participation of PWDs in the program against poverty despite the increased number of PWDs. Despite the fact that from 2012-2016 the number of persons with status of disabled is increasing annually,<sup>cclxxvi</sup> number of those families participating in the only State program against poverty that have at least one PWD member is decreasing.<sup>cclxxvii</sup> Furthermore, the indicator of issuing living allowance for the families of PWDs are also decreased. Namely: according to the statistics from the State agencies, out of 52 008 families examined based on new methodology that have at least one PWD family member, only 26 490 families receive living allowance. Among them, 4 852 families used to get living allowance and allowance was terminated within the frameworks of new methodology and 20 666 families were not granted the allowance.<sup>cclxxviii</sup>
187. Putting the needs of PWDs in agenda and their proper reflection by the local self-government bodies represents significant problem. Local municipalities fail to have vision supporting PWDs and oriented on their reinforcement. Social protection measures for the PWDs are limited to one time cash benefits that is provided for with municipality budget.<sup>cclxxix</sup>
188. Lack of housing services and housing policy are serious obstacles for the PWDs in terms of realization of right to social protection. The mentioned problem is especially related to the persons that were under State care and leave the institution after attaining adulthood.<sup>cclxxx</sup> Additionally, the practice of beneficiaries living in the medical facilities for indefinite time after expiration of terms of treatment still remains significant problem. The studies reveal that despite the absence of need for treatment, large part of

persons with psycho-social needs constantly lives in psychiatric institutions due to lack of alternative community services that is gross violation of their rights.<sup>cclxxxi</sup> Besides, it is problematic for the PWDs to use the services of emergency shelter. Based on existing regulation, namely according to regulations of the only shelter in Tbilisi, the PWDs with urgent need that have no ability of self-care cannot receive any service.<sup>cclxxxii</sup>

**Recommendation:**

- The State should revise medical and blanket approach of granting social assistance package and should make it based on individual needs of the PWDs and on the principles of social model;
- Development of State policy (programs) of social protection should be based on research data on individual needs of PWDs;
- Proper measures and programs should be developed and implemented with the purpose of social protection of PWDs that will be aimed at fighting against social isolation of PWDs;
- Needs of PWDs should be properly considered in the existing program against poverty;
- Complex policy of prevention of poverty of PWDs should be developed and programs against poverty should be implemented that will be based on individual needs of PWDs.

## Article 29. Participation in Political and Public Life

189. According to Article 28 of the Constitution of Georgia,<sup>cclxxxiii</sup> every citizen of Georgia, who has attained the age of 18 shall have the right to participate in referendum or elections of state and self-government bodies. Hereby, free expression of the will of electors shall also be guaranteed. Article 29 provides for passive right to vote, on the basis of which citizens have the right to be elected. At the same time, equal voting rights of all citizens, including universal rights of PWDs to participate in elections/referendums/plebiscites are recognized by Article 3 of the Organic Law of Georgia "Election Code of Georgia."<sup>cclxxxiv</sup> Nevertheless, in practice, realization of both passive and active voting rights of PWDs is hindered, mostly due to the absence of accessible environment. This leaves a large portion of these citizens with the choice of incomplete participation in the political life of the country.<sup>cclxxxv</sup>
190. Accessibility of information on pre-election processes for voters with sensory impairments remains a problem. Sign interpretation of the information is only partially available, and information in electronic form is partially accessible for people with visual impairment.
191. According to the Law, a voter unable to cast a ballot independently has the right to invite any other person for assistance in the cabin of the secret ballot.<sup>cclxxxvi</sup> However, the inability to cast a vote is identified not through the evaluation of a person's abilities, but also in cases where the polling environment is partially or completely inaccessible for PWDs and therefore, voters have to cast a vote in the conditions of another person's presence or assistance, thereby violating the desire for confidentiality and independent selection.
192. The Law envisages the use of the mobile ballot box, which means that a voter unable to visit the polling station for health reasons has the right to request a ballot box.<sup>cclxxxvii</sup> Often, voters make a decision to use the mobile ballot box not because of health conditions, but since their interests are not considered in the environment.
193. Complete adaptation of polling stations to make them equally accessible for all PWDs and avoid reliance on the competences and skills of particular authorized persons at each polling station to enable full consideration of the interests of PWDs during election processes still remains a problem.
194. Since 2012, it has become possible to ensure the transportation of voters with disabilities to polling stations through mobile teams and adapted transport; on one hand, this increases the participation of these voters in the election, but on the other hand, the implementation of this principle and its consideration as problem solution restricts the freedom of voters to participate in the elections at the time they consider convenient,

- rather than vote in specially allocated time slots with other PWDs, which also increases the segregation of the community.
195. For political and social participation, the following objectives have been set: inclusion in the decision-making and working process on issues related to the community; creation and operation of councils working on issues related to PWDs on both local and regional levels, through the participation of community representation organizations. The objectives are set out in the 2014-2016 Action Plan.<sup>cclxxxviii</sup> However, it is clear that such councils have been created only in some municipalities (in 22 out of 75, and not through common procedures). The existence and operation of such councils is often impossible to document. In a range of cases, the councils have not organized a session even after a year of establishment. In others, the frequency of sessions ranges from one to four months. There is no evidence or formal documentation of the fulfillment of objectives set out in the Action Plan and the Law. The participation of community representative organizations (in essence or to an adequate degree) in the creation and work of the councils is also to be questioned. Questions also raise as to the legitimacy of organizations involved in certain cases. Municipalities have no obligation to present reports to the Ministry Regional Development and Infrastructure, which is the main responsible institution for the implementation of these objectives. As a result, the Ministry has no information about the fulfillment of the objectives envisaged in the Action Plan. These problems have also been identified through monitoring by the Public Defender's Office and reflected in the 2015 Thematic Report on the Rights of PWDs,<sup>cclxxxix</sup> as well as the 2015 Parliamentary Report of the Public Defender of Georgia.<sup>ccxc</sup>
196. The Constitution envisages the right of PWDs to be directly and equally involved in the work of local governments. However, lack of accessible environment (buildings of the city councils, city halls, session halls, etc.), as well as lack of information about sessions and the ongoing working processes (as reflected in delayed information or withheld information, as well as failure to spread information through means accessible for PWDs) lead to the lack of opportunity for PWDs to enjoy equal opportunities as other citizens and be involved in local government activities in different desired forms.
197. Fragmented episodes of involving PWDs in political and social processes, e.g. invitation of certain persons on different sessions or political associations and structures can be evaluated as tokenism,<sup>ccxci</sup> since even though certain privileged persons are formally engaged in the process, their opinions are not heard or considered and therefore, community involvement is only illusory.
198. Policies aiming at the involvement of PWDs in political and social life are not gender-sensitive and do not encompass the objective to increase the participation of women



with disabilities. The opportunities of realization of political rights for women with disabilities are clearly fewer than those for men with disabilities.

**Recommendation:**

- The Government of Georgia should create a united vision/guideline for the participation of PWDs in elections;
- During pre-election and election periods, all information related to the elections should be equally available to citizens with all kinds of disabilities;
- The system of electoral participation should be refined to ensure access to citizens with all kinds of disabilities;
- Based on the principle of universality, all polling stations shall accessible to all citizens and transportation means should be available without segregating PWDs;
- The state should provide all opportunities for the participation and involvement of PWDs, not only in the decision making, execution, and monitoring on issues related to PWDs, but also in the realization of the Constitutional right of participating in local government activities;
- The barriers in the realization of political rights of women with disabilities should be especially stressed and women with disabilities should be represented adequately in political and social life;
- Political parties should ensure that their webpages and election programs are available for all PWDs.

## **Article 30. Participation in Cultural Life, Recreation, Leisure and Sport**

199. Even though certain activities are organized to involve PWDs in the spheres of culture and sports, the failure to fully comply with numerous parts of the Convention hinders adequate realization of the rights of PWDs.<sup>ccxcii</sup>
200. Regardless of the “State’s Sport Policy,”<sup>ccxciii</sup> approved in 2014, the one-time character of the events and their small scope cannot be considered as a systemic approach of the state in this regard.<sup>ccxciv</sup>
201. It should also be noted that neither the Ministry of Sport and Youth Affairs, nor the Ministry of Culture and Monument Protection is fully adapted for PWDs.<sup>ccxcv</sup> Out of 86 facilities of the Ministry of Culture and Monument Protection, only 21 facilities are fully or partially adapted according to the needs of PWDs (ramps – 13, ramps and bathrooms – 8),<sup>ccxcvi</sup> which represents only a third of all buildings. Therefore, the issue of accessibility is problematic here as well, thus diminishing opportunities for adequate realization of the rights of PWDs.

### **Recommendations:**

- **The process of planning and implementing sports- and culture-related activities should be based on systemic, result-oriented approach, which should consider individual interests and abilities of PWDs;**
- **The attendance and participation of PWDs in sports and cultural events should be supported, including in regions and in formats convenient for them;**
- **Cultural and sports centers should be adequately adapted, which will enable access for PWDs;**
- **The state shall ensure communication of information through desired channels for PWDs.**

## Article 31. Statistics and Data Collection

202. According to the 2014-2016 Government Action Plan to Ensure Equal Opportunities for PWDs,<sup>ccxcvii</sup> the state shall improve the methodology of statistics related to PWDs and refine the database on PWDs. Regardless, even the identification of the number of PWDs remains a persistent problem and the objective remains unfulfilled from one action plan to another.
203. Statistics on PWDs in Georgia are carried out on the basis of the number of PWDs receiving a social package, granted the status under the Law of Georgia “on Medical and Social expertise” and the Instruction on Definition of the Status of PWDs, and approved by the respective Orders of the minister of Labour, Health and Social Affairs of Georgia. Therefore, the existing statistical data fail to reflect the number of PWDs. The data fail to consider the individual needs of the community, which should be the basis of state policies towards PWDs. According to the existing data, the community of PWDs constitutes 3.34%, which falls drastically behind the potential numbers. It should be noted also that almost none of the state institutions consider gender aspects during statistical data collection.
204. According to the 2015 Parliamentary Report of the Public Defender,<sup>ccxcviii</sup> some citizens encounter barriers during the determination of the status of disability. Often, financial costs for the mentioned procedure are debated. Even though the state healthcare program includes a provision that the state shall cover social expertise costs for PWDs, i.e. all necessary medical examinations to identify disability status, excluding high-tech examinations, the compensation is still subject to argumentation. Partly due to the abovementioned, partly due to lack of information, and partly due to lack of interest in the state to ensure accessible benefits for PWDs (since the benefits are not adapted to and fail to minimally cover the needs of PWDs), PWDs and their families often avoid asking for status recognition.

### Recommendations:

- **The state should ensure the refinement of the database of PWDs;**
- **Proactive steps need to be taken to identify PWDs outside the system;**
- **Statistics on PWDs should reflect not only the degree of disability, diagnoses, and population of children and adults, but also the barriers that limit the capabilities of citizens on the individual level;**
- **Statistics on PWDs should be carried out by all responsible institutions and should be followed by analysis and coordinated work for agreed-upon and supported elimination of the identified barriers;**

- During data collection, sex and all other relevant factors which could be reasons for varying human rights conditions of PWDs in the country should be considered, together with age and the degree and type of disability.

### **Article 33. National Implementation Mechanism of the Convention**

205. After the ratification of the Convention, the Government defined bodies responsible for the implementation, coordination and monitoring of the implementation of the Convention. However, the definition of these bodies had a formal character.
206. As a result, the Government failed to establish a necessary institutional framework for the implementation of the Convention according to its principles. The existing mechanisms require essential reform.
207. Interagency Coordination Council on Issues of PWDs has been defined as the responsible body to implement Article 33 of the Convention. The Human Rights Secretariat of the Government Administration has been determined as a coordination mechanism, while the Public Defender has been nominated as a body responsible for the monitoring of the promotion, protection, and implementation of the Convention.<sup>cccix</sup> However, these bodies and functions were defined in the protocol of the October 27, 2014 session of the Coordination Council and the state has not adopted any other legal document in this regard since then.
208. The implementing body – the Interagency Coordination Council on Issues of PWDs – represents a permanent advisory body of the Government of Georgia,<sup>ccc</sup> and its function is to coordinate the implementation of the unified state policy in this sphere.<sup>ccci</sup> However, the composition of the Council has not been renewed, despite the need to do so, and nowadays, it is not a functioning body. In addition, considering the Council mandate, it cannot be considered as a body responsible for the implementation of the Convention, since it does not make decisions on state policy and only has an advisory function. Therefore, considering its functions and legal form, the Council does not comply with the requirements of the UN Convention. In view of the authority, functions, and composition of the Council, it is negatively assessed by the Public Defender of Georgia,<sup>cccii</sup> who does not consider the organ as an effective mechanism to comply with the requirements of the Convention.<sup>ccciii</sup> For several years, the ineffective functioning of the Council has been problematic in practice. For example, Council meeting only took place once during 2015.<sup>ccciv</sup>
209. The Human Rights Secretariat of the Government Administration has been nominated as the coordinating mechanism. The Secretariat represents a structural unit of the Government of Georgia, and its main function is to supervise the implementation of Human rights Action Plans.<sup>cccv</sup> Importantly, the main function of the Secretariat is logistical supervision of the processes related to the implementation of the Action Plan and the body does not have political legitimacy or significance. Therefore, the existing nature of the Secretariat excludes the possibility of combining its functions with the ones that the Convention requires under the coordinating mechanism. In addition, the

Secretariat is not equipped with relevant financial and human resources, which renders impossible its adequate operation.<sup>ccv</sup>

210. The effectiveness of the body responsible for the monitoring of the promotion, protection and implementation of the Convention - The Public Defender - is significantly hindered by the lack of relevant financial and human resources. Monitoring is the responsibility of the Department of the Rights of PWDs of the Public Defender's Office, which has only 4 members.<sup>ccvii</sup> In addition to human resources, lack of financial means is also important, since the amount allocated to these purposes<sup>ccviii</sup> in the Public Defender's budget is less than 1% of the annual budget.<sup>ccix</sup>

**Recommendation:**

- **In compliance with the requirements of Article 33 of the Convention on the Rights of PWDs, relevant bodies should be nominated as implementation and coordination mechanisms of the Convention. These bodies should be equipped with relevant functions and effective mechanisms.**
- **The mechanisms for the implementation, coordination and monitoring of the Convention on the Rights of PWDs should be provided with relevant human and financial resources, in order to ensure their effective and independent operation.**

## References

- <sup>i</sup> Law of Georgia on Medical and Social Examination, Article 10.1, Available at: <https://matsne.gov.ge/en/document/view/15772>, ; last visited: 10.09.2016.
- <sup>ii</sup> Ordinance of the Government of Georgia #41 of January 6, 2014 on Approval of Technical Regulation concerning Adjustment of Space for Persons with Disabilities and Planning Elements, available at: <https://matsne.gov.ge/ka/document/view/2186893>; last visited: 10.09.2016.
- <sup>iii</sup> “The official language of Georgia shall be Georgian. The official language of the Autonomous Republic of Abkhazia shall be Georgian and Abkhazian.” Constitution of Georgia, article 8, available at : <https://matsne.gov.ge/en/document/view/30346>; last visited: 10.09.2016.
- <sup>iv</sup> “The State recognizes the sign language as a tool for communication between persons and safeguards necessary conditions for its use and development”, Law of Georgia on Social Protection of Persons with Disabilities, article 5. Available at: <https://matsne.gov.ge/ka/document/view/30316>, Las seen: 10.09.2016.
- <sup>v</sup> E.G. Law of Georgia on Civil Service, article 27.1.a, available at: <https://matsne.gov.ge/ka/document/view/3031098>, last visited: 10.09.2016.
- <sup>vi</sup> See more details in section “Article 5 – Equality and Non-Discrimination”.
- <sup>vii</sup> Decree of the Government of Georgia #76 of January 20, 2014 on Approval of Action Plan for the Provision of Equal Rights for Persons with Disabilities for the years 2014-2016. Available at: [http://gov.ge/files/381\\_40157\\_501181\\_76200114.pdf](http://gov.ge/files/381_40157_501181_76200114.pdf), last visited: 22.01.2017
- <sup>viii</sup> Order of the Minister of Labour, Health and Social Affairs #1/n of January 13, 2013 on Approval of Rules of Defining the Status of Disability. Available at: <https://matsne.gov.ge/ka/document/view/55024>, last visited: 26.01.2017.
- See also: PDO, Awareness-raising campaign on rights of persons with disabilities for representatives of national and ethnic minorities, 2014. Available at <https://www.ombudsman.ge/uploads/other/2/2368.pdf>, last visited: 27.01.2017
- UNICEF, “Children with Disabilities in Georgia. Analysis of Georgian legislation based on Convention on Child Rights and Convention on Rights of Persons with Disabilities, May 2015, p. 30-31. Available at: [http://unicef.ge/uploads/UNICEF\\_CRPD\\_GEO\\_edit.pdf](http://unicef.ge/uploads/UNICEF_CRPD_GEO_edit.pdf), last visited: 27.01.2017
- <sup>ix</sup> Ordinance of the Parliament of Georgia of December 11, 2013 on Approval of State Concept Paper on Psychiatric Protection. Available at: <https://matsne.gov.ge/ka/document/view/2157098>, last visited: 23.01.2017;
- Ordinance of the Government of Georgia #762 on Approval of Strategic Document concerning Development of Psychiatric Health and 2015-2020 Action Plan. Available at: <https://matsne.gov.ge/ka/document/view/2667876>, last visited: 23.01.2017;
- Ordinance of the Government of Georgia #68 of January 15, 2014 on Approval of Technical Regulation –Standards of Psycho-Social Rehabilitation. Available at: <https://matsne.gov.ge/ka/document/view/2198173>, last visited: 23.01.2017
- <sup>x</sup> More detailed review is available in section dedicated to 25 article.
- <sup>xi</sup> Ordinance of the Government of Georgia #445 of July 9, 2014 on Approval of National Human Rights Strategy Action Plan (2014-2015) and Establishment Inter-Agency Coordination Council and Approval of its Statute, chapter 20. Available at: <https://matsne.gov.ge/ka/document/view/2391005>, last visited: 12.01.2017;
- Ordinance of the Government of Georgia #338 of July 21, 2016 on Approval of National Human Rights Strategy Action Plan (2016-2017), section 19. Available at: <https://matsne.gov.ge/ka/document/view/3315211>, last visited: 12.01.2017
- <sup>xii</sup> Ordinance of the Government of Georgia #41 of January 6, 2014 on Approval of Technical Regulation concerning Adjustment of Space for Persons with Disabilities and Planning Elements, available at: <https://matsne.gov.ge/ka/document/view/2186893>.
- <sup>xiii</sup> E.G. in 2015 the Mayor’s office of Tbilisi established the PWDs Council (Ordinance of the Tbilisi Municipality Council #3-9 of 17 February 2015 on Approval of the Statute of the Council of Tbilisi Municipality for working on Issue related to Persons with disabilities. Available at: <https://matsne.gov.ge/ka/document/view/2735391>, last

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visited: 12.01.2017), the Council held several meetings in 2015 and since then no meetings were conducted. (correspondence N 133335/11)

See also Research of Needs of Persons with Disabilities, PHR, p. 33-35. Available at:

[http://phr.ge/home/content?content\\_id=363](http://phr.ge/home/content?content_id=363), last visited: 13.01.2017

<sup>xiv</sup> PDO report, Situation of Human Rights and Fundamental Freedoms in Georgia, 2015, p. 134. Available at : <http://www.ombudsman.ge/uploads/other/3/3892.pdf>, last visited: 11.05.2017.

<sup>xv</sup> PDO report, Situation of Human Rights and Fundamental Freedoms in Georgia, 2016, p. 467, available at : <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, last visited: 11.07.2017.

<sup>xvi</sup> The Constitution of Georgia, article 14,. Available at: <https://matsne.gov.ge/ka/document/view/30346>, last visited: 10.09.2016.

<sup>xvii</sup> Judgment of the Constitutional Court of Georgia #N2/4/532,533 of October 8, 2014, case “Citizens of Georgia – Irakli Kemoklidze and David Kharadze vs. the Parliament of Georgia”. Available at:

<https://matsne.gov.ge/ka/document/view/2549051>, last visited: 10.09.2016

<sup>xviii</sup> Labour code, article 2.3. 3.

<sup>xix</sup> „Recommendatory Concept Paper on Implementation of the UN Convention on Rights of Persons with Disabilities (UNCRPD); Human Rights Education and Monitoring Centre (EMC), Tbilisi, 2014, p. 25. Available at: <https://emc.org.ge/2014/08/18/uncrpd-is-imlementaciis-gaidlaini/> , last visited: 10.09.2016.

<sup>xx</sup> “After PDO issued recommendation, LTD A.P. did not respond to 2 communication from PDO. The company was invited to the presentation whereby the unimplemented recommendations were discussed; however the representative of the company did not attend the event. As for the recommendations to a physical person, the applicant applied to the court and won the case”. Correspondence from PDO # 05-1/7731 of 15 July 2016.

<sup>xxi</sup> National Anti-Discrimination Mechanism, Georgian Democratic Initiative, 2016, p. 59.

<sup>xxii</sup> Law of Georgia on Elimination All form of Discrimination, article 6.2.g.

<sup>xxiii</sup> Special Report on Fight against Discrimination, Its Prevention and Situation of Equality , PDO, p.11-12, available at: <http://www.ombudsman.ge/uploads/other/3/3966.pdf>, last visited: 15.12.2016.

<sup>xxiv</sup> PDO report, Situation of Human Rights and Fundamental Freedoms in Georgia, 2016, p. 468, available at: <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, last visited: 11.07.2017.

<sup>xxv</sup> Law of Georgia on Elimination of All Forms of Discrimination, article 9: “*The Public Defender of Georgia shall suspend proceedings if due to the same alleged discrimination: a) the dispute is pending in court; b) administrative proceedings are under way; c) criminal proceedings are under way.*” Available at: <https://matsne.gov.ge/ka/document/view/2339687>, last visited: 10.09.2016.

<sup>xxvi</sup> National Anti-Discrimination Mechanism, Georgian Democratic Initiative, 2016, p. 65.

<sup>xxvii</sup> Evaluation of Labour Inspection and Labour Rights of Employed on Georgia, Human Rights Education and Monitoring Centre (EMC), 2017.P. 137. Available at: <https://emc.org.ge/2017/01/16/emc-202/>, last visited: 13.07.2017.

<sup>xxviii</sup> “*17 out of all cases referred to the equality Department of the PDO was related to alleged discrimination on the ground of disability during the period from 20 November 2014 to 16 July 2016. 15 proceedings were initiated based on the application. 2 proceedings were initiated by the decision of the Public defender. Discrimination was established in only 2 cases.*” PDO correspondence #05-1/7731 of 15 July 2016.

<sup>xxix</sup> “*The district courts established discrimination in only 2 cases*”, National Anti-Discrimination Mechanism, Georgian Democratic Initiative, 2016, p. 8-12.

<sup>xxx</sup> Special Report on Fight against Discrimination, Its Prevention and Situation of Equality, PDO, p. 23, available at: <http://www.ombudsman.ge/uploads/other/3/3966.pdf>, last visited: 15.12.2016.

<sup>xxxi</sup> Ibid, p. 32.

<sup>xxxii</sup> “*The district courts established discrimination in only 2 cases*”, National Anti-Discrimination Mechanism, Georgian Democratic Initiative, 2016, p. 8-12.

<sup>xxxiii</sup> Special Report of PDO, Rights of Persons with Disabilities, 2014 p. 20-21, <http://www.ombudsman.ge/uploads/other/3/3727.pdf>;

<sup>xxxiv</sup> Law of Georgia on Gender Equality, article 3.1.b. <https://matsne.gov.ge/ka/document/view/91624>;



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- xxxv Research “Gender and Law – feminist analysis of the Georgian legislation”, Partnership for Human Rights, 2016, p. 135;
- xxxvi Law of Georgia on HealthCare, article 6, <https://matsne.gov.ge/ka/document/view/29980>;
- xxxvii Law of Georgia on Gender Equality, article 12, <https://matsne.gov.ge/ka/document/view/91624>;
- xxxviii Parliament of Georgia, letter #8382/1-2 of October 10, 2016.
- xxxix Law of Georgia on Political Associations of Citizens, article 30.7<sup>1</sup>, <https://matsne.gov.ge/ka/document/view/28324>;
- xl Decree of the Government of Georgia #76 of January 20, 2014 on Approval of Action Plan for the Provision of Equal Rights for Persons with Disabilities for the years 2014-2016. Available at: [http://gov.ge/files/381\\_40157\\_501181\\_76200114.pdf](http://gov.ge/files/381_40157_501181_76200114.pdf), last visited: 22.01.2017. Ordinance of the Government of Georgia #762 on Approval of Strategic Document concerning Development of Psychiatric Health and 2015-2020 Action Plan. Available at: <https://matsne.gov.ge/ka/document/view/2667876>, last visited: 23.01.2017; Ordinance of the Government of Georgia #445 of July 9, 2014 on Approval of National Human Rights Strategy Action Plan (2014-2015) and Establishment Inter-Agency Coordination Council and Approval of its Statute, chapter 20. Available at: <https://matsne.gov.ge/ka/document/view/2391005>, last visited: 12.01.2017;
- xli Research – analysis of action plans from the perspective of right to health of women with disabilities, Accessible Environment for All, 2016, Tbilisi.
- xlii PDO report, Situation of Human Rights and Fundamental Freedoms in Georgia, 2015, p. 984. Available at: <http://www.ombudsman.ge/uploads/other/3/3892.pdf>.
- xliii Research – analysis of action plans from the perspective of right to health of women with disabilities, Accessible Environment for All, 2016, Tbilisi.
- xliv Research –Obstacles to access to justice for women with disabilities, Accessible Environment for All, 2016, Tbilisi. P. 12.
- xlv Internal regulations of the Institution providing services to Victims of Domestic Violence in Tbilisi of the State Fund for Protection and Support of victims of Trafficking in Human Beings, articles 5 and 6. Gender Equality and Women’s Rights, PDO special report, 2014, p. 35, <http://www.ombudsman.ge/uploads/other/3/3288.pdf>;
- xlvi Research “Gender and Law – feminist analysis of the Georgian legislation”, Partnership for Human Rights, 2016, p. 204;
- xlvii Organic Law of Georgia – Labor Code of Georgia, article 5.1, <https://matsne.gov.ge/ka/document/view/1155567>;
- xlviii Research “Gender-based discrimination in labor relations”, article 43, 2014.
- lix UNICEF, “Reduction of Child Poverty in Georgia, Future Perspectives”, 2014, [http://unicef.ge/uploads/UNICEF\\_Poverty\\_Paper\\_2015\\_GEO\\_FINAL.pdf](http://unicef.ge/uploads/UNICEF_Poverty_Paper_2015_GEO_FINAL.pdf);
- <sup>1</sup> „Worldwide the average number of PWDs is around 15% of the total population, only 131,00 persons are registered as PWDs in Georgia that is only 4% of the population. By February 2015, in Georgia only 9010 children with disabilities were registered that is around 1% of the whole child population of the country (while worldwide around 6% of children are with disabilities)”, - Implementation of Political Section of Association Agenda – Evaluation of Section One, Ana Abashidze, Ana Arganashvili, Child’s Rights, p. 130-131, [http://www.osgf.ge/files/2015/2015/publication/Book\\_GEO\\_WEB.pdf](http://www.osgf.ge/files/2015/2015/publication/Book_GEO_WEB.pdf);
- li Ibid,
- lii Ordinance of the Government of Georgia #445 of July 9, 2014 on Approval of National Human Rights Strategy Action Plan (2014-2015) and Establishment Inter-Agency Coordination Council and Approval of its Statute, chapter 20. Available at: <https://matsne.gov.ge/ka/document/view/2391005>. Decree of the Government of Georgia #1138 of 13 June 2016 on Approval of 2016-2017 National Human Rights Strategy Action Plan and Implementation Report of 2014-2015 Action Plan, chapter 12, <https://matsne.gov.ge/ka/document/view/3315211>;
- liii Ordinance of the Government of Georgia #102 of 26 February 2016 on Approval of Social rehabilitation and Child Care, Annex 1.1, article 4.3.h: “the Agency shall issue food vouchers to the parents or legal representatives of a child and inform them concerning the registered providers, goods provided by them and places of realization no later than 5<sup>th</sup> of the next month after the regional council issues the voucher”. Annex 1.2. “Subprogram on Early development of Children”, article 3.5; Annex 1.3. “Subprogram on Rehabilitation/Habilitation of Children”, article 3.2.b.b. <https://matsne.gov.ge/ka/document/view/3206217>;

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- <sup>liv</sup>Ordinance of the Tbilisi Municipality Council #33-129, of 29 December 2015, article 4.2.1.
- <sup>lv</sup>Ordinance of the Government of Georgia #660 of 30 December 2015 on Approval of Healthcare Programs for 2016, Annex 1, Early Diagnosis of Diseases and Screening.
- <sup>lvi</sup>Ordinance of the Government of Georgia #102 of 26 February 2016 on Approval of Social rehabilitation and Child Care, Annex 1.13, article 3.1.
- <sup>lvii</sup> . Decree of the Government of Georgia #1138 of 13 June 2016 on Approval of 2016-2017 National Human Rights Strategy Action Plan and Implementation Report of 2014-2015 Action Plan, chapter 12, <https://matsne.gov.ge/ka/document/view/3315211>;
- <sup>lviii</sup>Ibid, chapter 12 “Child Rights”, task 12.1.1.
- <sup>lix</sup> Special Report on Right Situation of Children, PDO, 2015, p. 9-13, <http://www.ombudsman.ge/uploads/other/3/3703.pdf>;
- <sup>lx</sup> State of Children's Rights in Boarding Schools Subordinated to Georgia's Orthodox Church and Muslim Denominations, Special Report of PDO, 2015, p. 20, <http://www.ombudsman.ge/uploads/other/3/3362.pdf>;
- <sup>lxi</sup> PDO Special Report on Monitoring of Small Family Houses, 2015, p. 32. <http://www.ombudsman.ge/uploads/other/3/3374.pdf>.
- <sup>lxii</sup> According to 2015 data, in the high mountainous regions the following number of children were registered in the education system: Mestia – 3 children, Akhmeta – 55, Khulo – 28, Shuakhevi – 9, Keda – 19, Oni – 12, Ambrolauri –18 , Kazbegi – 0. It is noteworthy that in Kazbegi there are 7 registered children with disabilities and in Mestia -22. PDO Special Report on State of Children's Rights in High-mountainous Regions of Georgia, 2015;
- <sup>lxiii</sup> Implementation of Political Section of Association Agenda – Evaluation of Section One, Ana Abashidze, Ana Arganashvili, Child's Rights, p. 132, [http://www.osgf.ge/files/2015/2015/publication/Book\\_GEO\\_WEB.pdf](http://www.osgf.ge/files/2015/2015/publication/Book_GEO_WEB.pdf);
- <sup>lxiv</sup> „55% of children with disabilities cannot receive comprehensive medical consultation, examination and medicine treatment“ - Special Report on Right Situation of Children, PDO, 2015, p. 62, <http://www.ombudsman.ge/uploads/other/3/3703.pdf>;
- <sup>lxv</sup> „55% of children with disabilities cannot receive comprehensive medical consultation, examination and medicine treatment“ - Special Report on Right Situation of Children, PDO, 2015, p. 17, <http://www.ombudsman.ge/uploads/other/3/3703.pdf>; “In some cases children had visible health problems, however, as stated by foster parents, they were not examined properly. IN some cases, the foster parents gave medicines to children without doctor's prescription. 45% of children in foster care program do not receive comprehensive medical consultation, examination or medicine treatment due to the lack of financing. There are problems to territorial coverage as well” – PDO Special Report on Monitoring of Subprogram of Foster Upbringing, 2016, p. 39, <http://www.ombudsman.ge/uploads/other/3/3823.pdf>,
- <sup>lxvi</sup> Ibid, p. 36-37.
- <sup>lxvii</sup> According to June 2016 data, 1403 beneficiaries participate in foster upbringing service, out of which only 198 are children with disabilities, official web-site of Social Service Agency, <http://ssa.gov.ge/>;
- <sup>lxviii</sup> “60% of legal representatives of reintegrated beneficiaries do not have information about the major directions of the individual education plan, 45% is against participation of a child in the inclusive education system despite the clear needs of children”, PDO Special Report on Monitoring of Subprogram on Reintegration, 2016, p. 34, <http://www.ombudsman.ge/uploads/other/3/3822.pdf>;
- <sup>lxix</sup>Ibid, p. 37.
- <sup>lxx</sup> Law of Georgia on Social Protection of Persons with Disabilities, article 10, <https://matsne.gov.ge/ka/document/view/30316>.
- <sup>lxxi</sup>Letter of the Ministry of Internal Affairs of Georgia 2853998, of November 15, 2016.
- <sup>lxxii</sup> Letter of the Division of Access to Public Information and Effective Public Administration, Legal Service, Tbilisi Municipality Mayor's Office, # 17/283144 , of October 27 2016.
- <sup>lxxiii</sup> Letter of the Administration of the Government of Georgia # 02/91-16 dated 21 October 2016; letter of the Ministry of Economy and Sustainable Development #01/76 of October 11, 2016.
- <sup>lxxiv</sup> Letter of LEPL Civil Aviation Agency of the Ministry of Economy and Sustainable Development of Georgia #01/1895 of October 17, 2016.
- <sup>lxxv</sup> Letter of the JSC “Georgian Railway” # 5899 of October 24, 2016.

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<sup>lxxvi</sup> “Right to Vote for Persons with Disabilities”, policy document, International Society for Fair Elections and Democracy (ISFED); 2016, p. 6-8, 13;

<sup>lxxvii</sup> Letter of Central Election Commission of Georgia #03-07/2455 of 26 September 2016.

<sup>lxxviii</sup> The Constitution of Georgia, articles 24 and 41. General Administrative Code of Georgia, chapter III.

<sup>lxxix</sup> Parliamentary Report of Public Defender, 2015, p. 1063-1064

<sup>lxxx</sup> Resolution of the Parliament of Georgia of December 26, 2013 on Ratification of the UN Convention on the Rights of Persons with Disabilities with its Additional Declaration. Available at: <https://matsne.gov.ge/ka/document/view/2164946>, last visited: 10.09.2016

<sup>lxxxi</sup> Decision of the Constitutional Court of Georgia N2/4/532,533 of October 8, 2014 on case “Citizens of Georgia – Irakli Kemoklidze and Davit Kharadze versus the Parliament of Georgia”. Available at: <https://matsne.gov.ge/ka/document/view/2549051>, last visited: 10.09.2016

<sup>lxxxii</sup> „According to the new regulation a support recipient status is a hindering circumstance for employment in public service on the one hand and represents an unconditional and compulsory ground of dismissal of public servants, including persons on political position except the cases when the court regulated the issue in a different way... The current model of legal capacity refuses the general approaches in the field of labor right regulation according to which a support of a person is determined in the specific field determined by the court and the mentioned status shall not be generalized automatically to other fields without individual assessment. In particular, the legislation has a blank approach to employment in a public sector or continuing to work there and the status of support recipient is a sufficient ground to terminate the relationship even if the court did not discuss the necessity of support in the labor right realization field and conceives the person as a support recipient in other fields“, Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, p. 24-25. Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>lxxxiii</sup> Election Code of Georgia, Article 3.a.a.c) Available at: <https://matsne.gov.ge/ka/document/view/1557168>, last visited:10.09.2016

<sup>lxxxiv</sup> “In terms of persons who are undergoing treatment at inpatient institutions, the records of the national legislation of Georgia concerning the restriction of suffrage contradict the vision of the United Nations Convention on the Rights of Persons with Disabilities and are extremely regressive, based on its blank and discriminatory nature”. Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, p. 24-25. Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>lxxxv</sup> Law of Georgia on Adoption and Foster Care, Article 7.1.a, Available at: <https://matsne.gov.ge/ka/document/view/1529579>, last visited: 10.09.2016.

<sup>lxxxvi</sup> “The support recipient marriage right standard cannot achieve its goal to protect the support recipient due to different regulation of marriage, but also questions the possibility to respectively protect his/her interests. The regulation in action is problematic because of its blank content excluding determination individual needs and adequate scope of support of a person when exercising marriage right”, Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016 , p. 31, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>lxxxvii</sup> Civil Code of Georgia, Article 1120.1.e , Available at: <https://matsne.gov.ge/ka/document/view/31702>, last visited:10.09.2016

<sup>lxxxviii</sup> Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC),), 2016, page. 34-37, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

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<sup>lxxxix</sup> “It is important to consider the circumstance that the proceeding of recognizing a person as a support recipient may turn into a completely different type of case proceeding. On the one hand, we may be facing a proceeding based on a request of a person to be recognized as a support recipient by a state with conscious will and consent of a person, which does not include elements of dispute. On the other hand, we may face a proceeding initiated by third persons envisaged by the law the necessity and scope of support of which might not be agreed by the support recipient to-be thus becoming a ground for dispute. In case of the contradiction the legislation does not envisage the possibility to proceed with civil dispute in contrary to the non-contentious proceeding rules which envisages the liability of the court in case of dispute raised to leave the application without discussion and clarify to the stakeholders the necessity to launch proceeding in accordance to the unified appeal rules”, Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, p. 39, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>xc</sup>Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, page. 39, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>xcii</sup> “There are many cases when the court finds resolution part of decision sufficient based on the applicator’s written contest. Thus in the process of renounce of decision appellation the support recipient is completely dismissed as court does not find his/her written contest necessary”, Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, p. 45-46, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016.

Senaki District Court Decision N2/161-2015 of November 27, 2015; Senaki District Court Decision N2/183-2015 of November 19; Senaki District Court Decision N2/2014-2015 of November 27 2015 etc.

<sup>xciii</sup>Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, p. 39, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>xciiii</sup> Civil Procedure Code of Georgia, Article 363<sup>20</sup>, Available at: <https://matsne.gov.ge/ka/document/view/29962#!>, last visited:10.09.2016

<sup>xciv</sup> Civil Procedure Code of Georgia, Chapter XLIV<sup>11</sup>, Available at: <https://matsne.gov.ge/ka/document/view/29962#!>, last visited: 10.09.2016

<sup>xcv</sup>Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, p.43, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>xcvi</sup> “The case proceeding materials studied within the survey framework show that the majority of the applications when submitted to the court are unclear in terms of determination of request scope, it does not encompass the fields to be assessed and does not specify requirements, which may become a precondition to proceed with other stagers of the proceeding irrelevantly to the real interests of the person. The applications show that the motive of the applicator are mainly to meet the financial needs or to control them which, in different cases are conditioned by receiving pension or social benefits, or solving the complications regarding the heritage. In addition the motive of appealing to the court does not include an interest of individual assessment of a person leaving a free space for a person to be recognized as support recipient in every field, which is proved by the current practice”, Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, p.43-44, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>xcvii</sup> “The current practice of defining the support needs does not ensure psycho-social condition assessment in accordance to the individual needs of a person and determination of the support fields, quality, intensiveness and the forms of support” , Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, p.45, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

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<sup>xviii</sup>Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, p.46-48, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>xcix</sup> “The courts, despite abolition of the intent replacement possibility still continue to use the practice questioning enforcement of support system as a result. As of today the court system cannot ensure implementation of support mechanism and attempt of separate judges to introduce support institute mismatches its main principle to use individual approach“; Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, p.49, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>c</sup> “Capacity – Legal Reform without Implementation”, Public Defender of Georgia, 2016, p. 12-13, Available at: <http://www.ombudsman.ge/uploads/other/3/3948.pdf>, last visited: 15.12.2016.

<sup>ci</sup>Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, p.48, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>cii</sup>Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, page 50, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>ciii</sup> “According to the information provided by the Social Service Agency 3462 persons are recognized as incapable in Georgia as of April 13, 2016 and 322 persons are recognized as support recipients. Only 32 of them were recognized as legally incapable in the past. In the scope of the given statistics only in 6 cases initiator of the application were the ward bodies, in 316 cases initiators were individuals. At the moment 40 cases are initiated on recognition as support recipient”. Correspondence with the Social Service Agency of the Ministry of Labor, Health and Social Affairs N04/98775, December 22, 2015; Meeting with the Social Service Agency representatives,31.03.2016 ,Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, p.53, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>civ</sup> Meeting with the Social Service Agency representatives,31.03.2016; Workshop with the experts working on protection of the rights of the persons with special needs and service provider organizations, Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, p. 51, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>cv</sup>Reform of the Legal Capacity System and Flaws in its Implementation, Human Rights Education and Monitoring Center (EMC), 2016, p. 51, Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016

<sup>cvi</sup> Civil Code, Article 1289, Available at: <https://matsne.gov.ge/ka/document/view/31702>, last visited 10.09.2016

<sup>cvi</sup> Adaptation of the court buildings are planned before 2019. Although increase of accessibility of the buildings is perceived as a need for mobility impaired persons’ need and envisages construction of ramps and parking only – letter N3222 of July 11, 2016 of LEPL Department of Common Courts of the High Council of Justice of Georgia;

<sup>cvi</sup> High School of Justice letter N02/1212, 24.10.2016 – 2 trainings were held for the judges of the High School of Justice and other employees of the court in 2015 on “Ensuring access to justice for the persons with special needs”, 1 training in 2016. 43 judges were involved in the process.

<sup>cix</sup> Parliamentary Report of the Public Defender of Georgia, 2015, p. 355

<sup>cx</sup> Parliamentary Report of the Public Defender of Georgia, 2015, p. 360

<sup>cxi</sup> “Persons with psychosocial needs, in particular those locked up at psychiatric institutions or undergoing involuntary treatment do not have access to appeal mechanism. If you declare that you want to appeal something, you will never be allowed to do so: neither lawyer is available at these institutions; they simply cannot enter it for me to talk. If you declare your will no one will help to compose appeal and submit to the respective body. The

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complaint box is outside but it is impossible to use” – Survey “Gender and Law: Feminist Analysis of Legislation of Georgia”, Partnership for Human Rights, 2016, p. 208

cxiii “For example I wanted to make a complaint about one doctor, but I could not. First of all because I would not be able to go myself, I would need someone to accompany me and everyone was busy. You know what? A person with disability cannot win with the State. I would have to make an appeal in Tbilisi and I had no money to go there. A car will cost 150 GEL to take you to Tbilisi” – Survey “Gender and Law: Feminist Analysis of Legislation of Georgia”, Partnership for Human Rights, 2016, p. 206

cxiiii Survey “Gender and Law: Feminist Analysis of Legislation of Georgia”, Partnership for Human Rights, 2016, p. 205-2011

cxv Survey “Gender and Law: Feminist Analysis of Legislation of Georgia”, Partnership for Human Rights, 2016, p. 207

cxvi <https://matsne.gov.ge/>

cxvii Special Report of the Public Defender “National Preventive Mechanism Report”, 2014. p.232, <http://www.ombudsman.ge/uploads/other/3/3287.pdf>;

cxviii Special Report of the Public Defender “National Preventive Mechanism Report”, 2014. p.233, <http://www.ombudsman.ge/uploads/other/3/3287.pdf>;

cxix Special Report of the Public Defender “National Preventive Mechanism Report”, 2014. p.233-234, <http://www.ombudsman.ge/uploads/other/3/3287.pdf>;

cxv Special Report of the Public Defender “National Preventive Mechanism Report”, 2014. p.236, <http://www.ombudsman.ge/uploads/other/3/3287.pdf>;

cxvi Special Report of the Public Defender “National Preventive Mechanism Report”, 2014. p.239-240, <http://www.ombudsman.ge/uploads/other/3/3287.pdf>;

cxvii Special Report of the Public Defender “National Preventive Mechanism Report”, 2014. <http://www.ombudsman.ge/uploads/other/3/3287.pdf>;

cxviii Parliamentary Report of the Public Defender of Georgia, 2015, p. 259, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>

cxvix Parliamentary Report of the Public Defender of Georgia, 2015, p. 259, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>

cxv Parliamentary Report of the Public Defender of Georgia, 2015, p. 252, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>

cxvii Parliamentary Report of the Public Defender of Georgia, 2015, p. 251, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>

cxviii Parliamentary Report of the Public Defender of Georgia, 2015, p. 253, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>

cxvix Law of Georgia on Psychiatric Assistance, Article 18 (1),

<https://matsne.gov.ge/ka/document/view/24178>;

cxvii Parliamentary Report of the Public Defender of Georgia, 2015, p. 281, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>

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<sup>cxxix</sup> Parliamentary Report of the Public Defender of Georgia, 2015, p. 256, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>

<sup>cxxx</sup> Special Report of the Public Defender of Georgia on the Rights of Persons with Disabilities at State Care Institutions, 2016, p. 6-7, <http://www.ombudsman.ge/uploads/other/3/3958.pdf>;

<sup>cxxxi</sup> *The community organization subprogram budget was increasing annually in 2014-2016 contrary to daycare centers and small family type homes subprogram. The budget of the daycare centers subprogram in 2014 was 2,762,400 GEL, of small family type homes - 2,245,700 GEL; these figures increased for day care centers to 3,137,900 GEL and decreased for the small family type homes to 2,226,700 in 2015. As for 2016, the funding for the daycare centers decreased by 87,900 GEL and the subprogram budget amounted to 3,050,000 GEL and the funding of the small family type homes was set to 2,088,00 GEL which is less compared to previous years.*

Resolution of the Government of Georgia N291, April 14, 2014 on Approval of the State Program on Social Rehabilitation and Child Care 2014, annex 1.5, article 4 and annex 1.10, article 4. Available at: <https://matsne.gov.ge/ka/document/view/2322406>, last visited: 26.01.2017;

Resolution of the Government of Georgia N138, March 30, 2015 on Approval of the State Program on Social Rehabilitation and Child Care 2015, annex 1.5, article 4 and annex 1.10, article 4. Available at: <https://www.matsne.gov.ge/ka/document/view/2791238>, last visited: 26.01.2017

Resolution of the Government of Georgia N102, February 26, 2016 on Approval of the State Program on Social Rehabilitation and Child Care 2016, annex 1.5, article 4 and annex 1.10, article 4. Available at: <https://matsne.gov.ge/ka/document/view/3206217>, last visited: 26.01.2017

<sup>cxxxii</sup> Special Report of the Public Defender of Georgia on the Rights of Persons with Disabilities in Georgia, 2015, p. 53-56. Available at: <http://www.ombudsman.ge/uploads/other/3/3727.pdf>, last visited: 08.01.2017

Report of the Public Defender of Georgia of December 10 on Situation of Human Rights and Freedoms in Georgia, 2015, p.22-23. Available at: <http://www.ombudsman.ge/uploads/other/3/3369.pdf>, last visited: 08.01.2017

<sup>cxxxiii</sup> Eric Mathews, Left Behind: The Exclusion of Children and Adults with Disabilities from Reform and Rights Protection in the Republic of Georgia, Disability Rights International (DRI), 2013, p.14-16. Available at: <http://www.driadvocacy.org/wp-content/uploads/Left-Behind-Final-Georgian-Language.pdf>, last visited: 09.01.2010.

Guidelines on Implementation of the UN Convention on the Rights of the Persons with Disabilities (UNCRPD) (Concept-Based Recommendation on the Amendment of the Legislation and Major Policy Directions), Human Rights Education and Monitoring Center (EMC), 2014, p. 61. Available at: <https://emc.org.ge/2014/08/18/uncrpd-is-imlementaciis-gaidlaini/>, last visited: 05.01.2017.

<sup>cxxxiv</sup> Report of the Public Defender of Georgia on Situation of Human Rights and Freedoms in Georgia, 2013, p. 544-545. Available at: <https://www.ombudsman.ge/uploads/other/1/1563.pdf>, last visited: 08.01.2017

<sup>cxxxv</sup> „On Technical Regulation on Approval of Childcare Standards“, Ordinance of the Government of Georgia N66 of January 14, 2014, annex 1, article 13. Available at: <https://matsne.gov.ge/ka/document/view/2198153>, last visited: 08.01.2017

<sup>cxxxvi</sup> Special Report of the Public Defender of Georgia on the Rights of Persons with Disabilities at State Care Institutions, 2016, p. 94-95. Available at: <http://www.ombudsman.ge/uploads/other/3/3958.pdf>, last visited: 08.01.2017

<sup>cxxxvii</sup> Resolution of the Government of Georgia N291, April 14, 2014 on Approval of the State Program on Social Rehabilitation and Child Care, small family type subprogram, Available at: <https://matsne.gov.ge/ka/document/view/2322406>, last visited: 07.01.2017

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Guidelines on Implementation of the UN Convention on the Rights of the Persons with Disabilities (UNCRCPD) (Concept-Based Recommendation on the Amendment of the Legislation and Major Policy Directions), Human Rights Education and Monitoring Center (EMC), 2014, p. 61. Available at: <https://emc.org.ge/2014/08/18/uncrcpd-is-implementaciis-gaidlaini/>, last visited: 05.01.2017.

<sup>cxviii</sup> "M. Asatiani Psychiatry Research Institute "JSC designed to provide service to 225 beneficiaries was closed. Nino Makhashvili: "Mental Health Reform in Georgia", Global Initiative on Psychiatry, p.4, [http://www.mls.ge/hrh/pictures/dfltcontent/gallery/108\\_1.pdf](http://www.mls.ge/hrh/pictures/dfltcontent/gallery/108_1.pdf), last visited: 28.12.2016

<sup>cxviii</sup> Report of the Public Defender of Georgia on Conditions of the Psychiatric Establishments, National Preventive Mechanism, 2015, p.6-9. Available at: <http://www.ombudsman.ge/uploads/other/3/3695.pdf>, last visited: 07.01.2017

<sup>cxl</sup> Ibid

<sup>cxli</sup> In his report of 2015 the Public Defender notes: *"Managements of all of the institutions with the long-term care unit, declare that such "perpetual patients" represent 30-40% of their contingent. Delayed discharge at psychiatric institutions occur despite the voluntary treatment status and constant request to discharge. It is obvious that the delay is not always caused by the mental health condition of a patient. [...]The doctors interviewed name a few reasons for prolonged stay: absence of support system for discharged patients, financial insecurity, and absence of institutions for prolonged care, geographic inaccessibility of outpatient care, inadequacy of community-based psychiatric services as well as lack of abilities to live independently".* Annual Report of the Public Defender of Georgia on the Situation of Rights and Freedoms in Georgia, 2015, p.312-314. Available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, last visited: 26.01.2017.

Guidelines on Implementation of the UN Convention on the Rights of the Persons with Disabilities (UNCRCPD) (Concept-Based Recommendation on the Amendment of the Legislation and Major Policy Directions), Human Rights Education and Monitoring Center (EMC), 2014, p.61. Available at: <https://emc.org.ge/2014/08/18/uncrcpd-is-implementaciis-gaidlaini/>, last visited: 05.01.2017.

<sup>cxlii</sup> Resolution of the Government of Georgia N102, February 26, 2016 on Approval of the State Program on Social Rehabilitation and Child Care 2016. Available at: <https://matsne.gov.ge/ka/document/view/3206217>, last visited: 13.01.2017;

Resolution of the Government of Georgia N138, March 30, 2015 on Approval of the State Program on Social Rehabilitation and Child Care 2015. Available at: <https://matsne.gov.ge/ka/document/view/2791238>, last visited: 13.01.2017

<sup>cxliii</sup> Geographical coverage of the community organizations remain problematic, as they do not cover the whole country. In addition, only 204 receive the service provided by the community organizations throughout the country according to 2016 data. Statistical data on social rehabilitation and childcare of LEPL Social Service Agency, 2016. Available at: [http://ssa.gov.ge/index.php?lang\\_id=GEO&sec\\_id=1199](http://ssa.gov.ge/index.php?lang_id=GEO&sec_id=1199), last visited: 30.01.2017

<sup>cxliv</sup> Resolution of the Government of Georgia N102, February 26, 2016 on Approval of the State Program on Social Rehabilitation and Child Care 2016, Subprogram of community organizations, annex 1.12, articles 2 and 3. Available at: <https://matsne.gov.ge/ka/document/view/3206217>, last visited: 13.01.2017;

<sup>cxlv</sup> *Total budget of the subprogram of provision of aids amounted to 3,707,820 in 2013, which increased to 3,954,670 in 2014 but decreased in 2015 and amounted to 2,782,860. As for the data of 2016, the funding was 4,680,300 GEL. Despite the abovementioned, funding of each subprogram shall be determined separately.*

Resolution of the Government of Georgia N74, March 28, 2013 on Approval of the State Program on Social Rehabilitation and Child Care 2013, annex 1.6, Available at: <https://matsne.gov.ge/ka/document/view/1886531>, last visited: 26.01.2017;



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Resolution of the Government of Georgia N291, April 14, 2014 on Approval of the State Program on Social Rehabilitation and Child Care 2014, annex 1.6. Available at: <https://matsne.gov.ge/ka/document/view/2322406>, last visited: 26.01.2017;

Resolution of the Government of Georgia N138, March 30, 2015 on Approval of the State Program on Social Rehabilitation and Child Care 2015, annex 1.6. Available at: <https://www.matsne.gov.ge/ka/document/view/2791238>, last visited: 26.01.2017

Resolution of the Government of Georgia N102, February 26, 2016 on Approval of the State Program on Social Rehabilitation and Child Care 2016, annex 1.6. Available at: <https://matsne.gov.ge/ka/document/view/3206217>, last visited: 26.01.2017

<sup>cxlvi</sup>Resolution of the Government of Georgia N102, February 26, 2016 on Approval of the State Program on Social Rehabilitation and Child Care 2016. Available at: <https://matsne.gov.ge/ka/document/view/3206217>, last visited: 13.01.2017;

Resolution of the Government of Georgia N138, March 30, 2015 on Approval of the State Program on Social Rehabilitation and Child Care 2015. Available at: <https://matsne.gov.ge/ka/document/view/2791238>, last visited: 13.01.2017

<sup>cxlvii</sup> *Aids provided by the subprogram are: wheelchairs, prosthetic-orthopedic means, hearing aids, coarse implants, crutches, canes and walkers. Wheelchairs and prosthetic-orthopedic means are provided through material vouchers.*

<sup>cxlviii</sup>Awareness-raising **campaign of the Public Defender of Georgia** on the rights of the persons with disabilities for the ethnic minorities, 2014, p.9. Available at: <https://www.ombudsman.ge/uploads/other/2/2368.pdf>, last visited:15.01.2017

<sup>cxlix</sup>*Out of 5 residential institutions inspected by the Public Defender of Georgia none had sufficient aids.* Special Report of the Public Defender of Georgia on the Rights of Persons with Disabilities at State Care Institutions, 2016. Available at: <https://www.ombudsman.ge/uploads/other/3/3958.pdf>, last visited: 15.01.2017

*During the monitoring of the Center for Mental Health and Prevention of Addiction the Public Defender found out a mobility impaired patient unable to use the supportive means of transport (wheelchair). The interviews revealed that the wheelchair was owned by a Psycho-neurological Dispenser only and social workers had not addressed LEPL Social Service Agency to provide patients with supportive means of transport.*

Public Defender of Georgia, National Preventive Mechanism, Psychiatric Establishment Monitoring Report, 2015, p.122. Available at: <http://www.ombudsman.ge/uploads/other/3/3695.pdf>, last visited: 15.01.2017

<sup>cl</sup> Personal assistance service for blind persons is funded by the City Hall of Tbilisi. Decree of the City Municipality N4-14 of March 2, 2015 on Approval of the Rule of Implementation of Subprogram on Supporting Integration of Persons with Disabilities. Available at: <https://matsne.gov.ge/ka/document/view/2753594>, last visited: 26.01.2017

<sup>cli</sup> *“When you need an attendant you need to call few days ahead and tell you need an attendant. The problem is that you can indicate time when you need an attendant, but require that person longer than you planned. It is not about free choice, you have to be dependent on someone.”* – Focus group meeting with women with disabilities, 08.11.2016.

<sup>clii</sup> *“If a blind person wants to go to the university it automatically means that the family will need to move to Tbilisi too because s/he cannot live alone in the city, there is no service. Some kind of council was created at our university but it did not work. I personally have a reader but others haven’t and family members read to them. My parents take me there every day for four years now. Independent life is not ensured, this is the major problem.”*- Focus group meeting with women with disabilities, 08.11.2016.

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<sup>cliii</sup> *Sign language interpreter service is problematic in regions since the State provides with the service of one interpreter at least 8 regions of the country besides the capital within the deaf communication support subprogram. As for the funding the budget of the subprogram for 2016 is decreased if compared to previous years and amounts to 48,000 GEL while it was 360,700 GEL in 2015.*

Resolution of the Government of Georgia N138, March 30, 2015 on Approval of the State Program on Social Rehabilitation and Child Care 2015, annex 1.7, article 4. Available at: <https://www.matsne.gov.ge/ka/document/view/2791238>, last visited: 26.01.2017

Resolution of the Government of Georgia N102, February 26, 2016 on Approval of the State Program on Social Rehabilitation and Child Care 2016, annex 1.7, article 4. Available at: <https://matsne.gov.ge/ka/document/view/3206217>, last visited: 26.01.2017

<sup>cliv</sup> *Recommendation-consultation and maintenance service is provided for use of wheelchairs and digital hearing aids only.*

Resolution of the Government of Georgia N102, February 26, 2016 on Approval of the State Program on Social Rehabilitation and Child Care 2016, annex 1.6.1., article 2 (c), and annex 1.6.3., article 2(c). Available at: <https://matsne.gov.ge/ka/document/view/3206217>, last visited: 13.01.2017;

Resolution of the Government of Georgia N138, March 30, 2015 on Approval of the State Program on Social Rehabilitation and Child Care 2015, annex 1.6.1., article 2 (c), and annex 1.6.3., article 2(c). Available at: <https://matsne.gov.ge/ka/document/view/2791238>, last visited: 13.01.2017

<sup>clv</sup> Report of Public Defender of Georgia on Human Rights and Freedoms in Georgia, 2015, 2015 page 726. Available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, last visited: 10.09.2016

<sup>clvi</sup> Constitution of Georgia, Article 24; Article 41. Available at: <https://matsne.gov.ge/ka/document/view/30346>, last visited: 10.09.2016.

<sup>clvii</sup> General Administrative Code of Georgia, Chapter II. Available at: <https://matsne.gov.ge/ka/document/view/16270>, last visited: 10.09.2016.

<sup>clviii</sup> Guidelines on the Implementation of the UN Convention on the Rights of PWDs; Human Rights Education and Monitoring Center (EMC), Tbilisi, 2014, page 39. Available at: <https://emc.org.ge/2014/08/18/uncrpd-is-implementaciis-gaidlaini/>, last visited: 10.09.2016.

<sup>clix</sup> *Law of Georgia on Social Protection of PWDs is limited to issue of accessibility of environment and does not provide for obligation of access to information technologies*, Guidelines on the Implementation of the UN Convention on the Rights of PWDs; Human Rights Education and Monitoring Center (EMC), Tbilisi, 2014, page 39-40. Available at: <https://emc.org.ge/2014/08/18/uncrpd-is-implementaciis-gaidlaini/>, last visited: 10.09.2016.

<sup>clx</sup> Guidelines on the Implementation of the UN Convention on the Rights of PWDs; Human Rights Education and Monitoring Center (EMC), Tbilisi, 2014, page 36. Available at: <https://emc.org.ge/2014/08/18/uncrpd-is-implementaciis-gaidlaini/>, last visited: 10.09.2016.

<sup>clxi</sup> Ordinance of the Government of Georgia N41 of January 6, 2014 on Approval of technical regulations on arranging space for PWDs and of architectural and planning elements, Available at: <https://matsne.gov.ge/ka/document/view/2186893>, last visited: 10.09.2016.

<sup>clxii</sup> The ordinance of the Government of Georgia N76 of January 20, 2014 Government' Action Plan on Equalization of Opportunities for PWDs (2014-2016), Chapter V, paragraph 1.4. *“adoption/implementation of legislative amendments prepared and adopted with purpose to use sign-interpretation, subtitles, Braille, augmentative and other means of communication in mass media; development of norms regulating plan, production and distribution of adapted communication terminal equipment and systems”.*

<sup>clxiii</sup> *„The department had studied the issue of media-accessibility to PWDs in Georgia and also the practice and national legislation of those EU countries, that are leading countries in this direction... The issue is complex and the provision in the law is not enough for its implementation, it requires solving number of technical, art, logistic and*

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*economic issues that are related to adaptation of TV programs... On December 16, 2015, working meeting was held in the Administration of the Government, where the Commission made presentation and raised problems”; correspondence of the Georgian National Communications Commission on July 29, 2016 N02/2876-16.*

clxiv *“Public Defender of Georgia applied to The Georgian National Communications Commission on August 26, 2015, to take proper measures in coordination with relevant agencies to ensure accessibility of means of mass-information, TB programs and films for the PWDs”. Report of Public Defender of Georgia on Human Rights and Freedoms in Georgia, page 1066. Available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, last visited: 10.09.2016.*

clxv *„Deaf persons living in Georgia represent the target group of the sub-program“, Ordinance of the Government of Georgia N102 of February 26, 2016 on Approval of State Program of Social Rehabilitation and Child Care of 2016, Annex N7.1. Available at: <https://matsne.gov.ge/ka/document/view/3206217>, last visited: 10.09.2016*

clxvi *„Service of sign-interpreter is provided in the following regions of Georgia: Imereti, Guria, Samegrelo-Zemo Svaneti, Shida Kartli, Kakheti, Kvemo Kartli, Ajara, Mtskheta-Mtianeti,. Kakheti, Imereti and Samegrelo-Zemo Svaneti have two sign-interpreters per region as the number of deaf and hearing impaired persons is bigger in these regions. The rest of the regions are served by one sign-interpreter per region”. Correspondence of Ministry of Labor, Health and Social Affairs of Georgia N04/62531 of August 15, 2016.*

clxvii Note: *„Within the frameworks of Deaf Communication Promotion Program, deaf persons are informed regarding different services provided by the State through sign-interpreters. Number of services provided within the frameworks of the sub-program per year: 2014 – 1266 services; 2015 - 1299 service; 2016 - 533 service“. Correspondence of Ministry of Labor, Health and Social Affairs of Georgia N04/62531 of August 15, 2016.*

clxviii *„Deaf and hearing impaired beneficiaries are provided the service of sign-interpreter in bank, communications and medical institutions, Public Service Hall, Patrol Police, during different cultural and sports events. Specific beneficiaries are served based on their needs, in different instances“. Correspondence of Ministry of Labor, Health and Social Affairs of Georgia N04/62531 of August 15, 2016.*

clxix *Ordinance N102 of the Government of Georgia, February 26, 2016 on Approval of State Program of Social Rehabilitation and Child Care of 2016, Annex N1.7, Article 2. Available at: <https://matsne.gov.ge/ka/document/view/3206217>, last visited: 10.09.2016*

clxx *„The Ministry of Education and Science of Georgia works intensively on improvement of services and in the nearest future it is planned to adapt the web-page of the Ministry for the PWDs”. Correspondence of the Ministry of Education and Science of Georgia N71600915286 of July 28, 2016. Correspondence of Administration of the Government of Georgia N36194 of October 3, 2016.*

clxxi *„The works regarding adaptation of the official web-page of the Agency ([www.ssa.gov.ge](http://www.ssa.gov.ge)) for PWDs is ongoing. Correspondence of Social Service Agency of the Ministry of Labor, Health and Social Affairs of Georgia N04/62114 of August 12, 2016.*

clxxii *Corresponce of Administration of the Government of Georgia N36194 of October 3, 2016.*

clxxiii *„We inform you that only rams for wheel-chairs are provided in Common Courts of Georgia within the frameworks of the Programs of support and accessibility and adaptation of Common Courts’ services for PWDs. Additionally, if the PWD (with hearing impairment) represents one of the sides of dispute, the Court provides proper sign-interpreter”. Correspondence of the High Council of Justice N1230/1844-03 of September 10, 2015.*

clxxiv *Correspondence of the Administration of the Government of Georgia N36194 of October 3, 2016.*

clxxv *Correspondence of the Administration of the Government of Georgia N36194 of October 3, 2016.*

clxxvi *„On question regarding how many PWDs have applied to the Agency and required to provide public information considering special needs (e.g. through applying the braille code, with the relevant sound version etc), we inform you that such demand (from 2011 to 2015) was not registered in the Agency”; Correspondence of Social Service Agency of the Ministry of Labor, Health and Social Affairs of Georgia N04/62114 of August 12, 2016. „Throughout reporting period of 2012-2015 no demand regarding providing information with special communication means was registered. We neither have information regarding how many PWDs have applied to*

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*the Ministry as there was no indication of it in the applications“; Correspondence of the Ministry of Justice N4873 of July 22, 2016.*

clxxvii Report of Public Defender of Georgia on Human Rights and Freedoms in Georgia, 2013, page 530. Available at: <http://www.ombudsman.ge/uploads/other/1/1563.pdf>, last visited: 10.09.2016.

clxxviii „According to the information provided by the Georgian broadcast companies (49 broadcaster, including regional), it is revealed that majority does not use special augmentative communication means. Programs are not provided with formats accessible for all PWDs... There is the minimum number of adapted media products for persons with hearing impairment. As regards to persons with visual impairment and blind, there are no media products adapted for them on Georgian TV“, Report of Public Defender of Georgia on Human Rights and Freedoms in Georgia, 2015, page 1066. Available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, last visited: 10.09.2016.

clxxix I was offered to live in family type home, but I refused. I want to have our income, furthermore, I would have been very far from this place and also, they do not keep people with children. That is why I do not want family type home, I prefer my own. I cannot befit to be depended on someone, I want to take care of my spouse and my child myself” – survey Oral Stories of Women with Disabilities, Partnership for Human Rights, 2015, page 13, <http://bit.ly/2h16RdV>;

clxxx Guideline on implementation of UN Convention on Rights of PWDs (UN CRPD), Human Rights Education and Monitoring Center, 2014, page 49-50, <https://emc.org.ge/2014/08/18/uncrpd-is-implementaciis-gaidlaini/>;

clxxxi Ordinance N102 of the Government of Georgia, February 26, 2016 on Approval of State Program of Social Rehabilitation and Child Care of 2016, Annex 1.12, Article 3, paragraph 1, sub-paragraph „a“, <https://matsne.gov.ge/ka/document/view/3206217>;

Study – Violence against women with psychosocial needs – major tendencies, Tbilisi, 2016. page 9

clxxxii Law of Georgia On Adoption and Foster Care, Article 7, paragraph 1, sub-paragraph “a”, study - Assessment of Legal Capacity Reform and its implementation process, Human Rights Education and Monitoring Center, 2016, page 29; <https://emc.org.ge/2016/06/07/emc-82/>;

clxxxiii Law of Georgia on Civil Acts, Article 35, Article 36;

clxxxiv Law of Georgia On Adoption and Foster Care, Article 7, paragraph 1, sub-paragraph “a”, study - Assessment of Legal Capacity Reform and its implementation process, Human Rights Education and Monitoring Center, 2016, page 29; <https://emc.org.ge/2016/06/07/emc-82/>;

clxxxv Civil Code of Georgia, Article 1120, part 1, sub-paragraph „e“.

clxxxvi Law of Georgia On Adoption and Foster Care, Article 7, paragraph 1, sub-paragraph “a”, study - Assessment of Legal Capacity Reform and its implementation process, Human Rights Education and Monitoring Center, 2016, page 29-31; <https://emc.org.ge/2016/06/07/emc-82/>;

clxxxvii Study – Violence against women with psychosocial needs – major tendencies, Tbilisi, 2016. page 9

clxxxviii Study – Violence against women with psychosocial needs – major tendencies, Tbilisi, 2016. page 19-21

clxxxix Public Defender’s Parliamentary Report 2014, page 15;

cx Organic Law of Georgia Local Self-government Code, Article 16, part 2, sub-paragraph „i“.

cxci Law of Georgia on Early and pre-school education.

cxcii Ordinance of Tbilisi Municipality Sakrebulo N32-127 of December 26, 2015 on Approval of budget of Tbilisi Municipality 2016, Code 07 01, Ordinance of Zugdidi Municipality Sakrebulo N80 of December 22, 2015 on Approval of budget of Zugdidi Municipality 2016, code 04 01, Ordinance of Marneuli Municipality Sakrebulo N44 of December 25, 2015 on Approval of budget of Marneuli Municipality 2016, Article 3, sub-paragraph „b“

cxciiii Once I visited kindergarten and I could not find the child, was not with the classmates. I tried to find babysitter and teacher. I found them in one of the rooms, drinking coffee and they had my child there. At that time other children had rhythmic lesson. Their response was that they were not obliged to follow children on rhythmic lesson as well, when they had break time. This happens when my child is able to get instruction. This is the general attitude in pre-school institutions“ – parent of child with disability, meeting of parents focus-group. 24.10.2016;

cxciiv Situation of Children’s Rights in Georgia - Public Defender of Georgia, 2014, page 23, <http://www.ombudsman.ge/uploads/other/3/3286.pdf>;

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- <sup>cxv</sup> Situation of Children's Rights in Georgia - Public Defender of Georgia, 2014, page 27-29, <http://www.ombudsman.ge/uploads/other/3/3286.pdf>;
- <sup>cxvi</sup> With growth of children with disabilities, we have the problems such as problem of existing independently and getting general education. Today the schools cannot provide the education that is vital for the children - parent of child with disability, meeting of parents focus-group, 24.10.2016;
- <sup>cxvii</sup> There are 2334 public schools in Georgia currently<sup>cxvii</sup>. Only 6.3% out of them is partly adapted, ram is installed in 1.8%, toilets are adapted only in 4,9% and only 2 public schools (0,09%) have elevators.
- <sup>cxviii</sup> Official web-page of Ministry of Education and Science of Georgia, Professional Education Institutions, <http://www.mes.gov.ge/content.php?id=215&lang=geo>;
- <sup>cxix</sup> Letter of Minister of Education and Science of Georgia N11601137391 of September 23, 2016;
- <sup>cc</sup> Letter of Ministry of Education and Science of Georgia N21601225213 of October 12, 2016;
- <sup>cci</sup> „We have no opportunity to hire special teacher of individual helper. The reason is that director does not like it and the second, I cannot afford to pay the money for two children. The main problem is that obligations are not delegated between special teachers and subject teachers. Teachers consider that this child is not their concern. If they go into class, the representative of integrated class should assist them and the teacher of integrated class considers that if they go into class, they should not work in the class. If I had a choice, I would not have left the child in the integrated class. We just have to make a choice between bad and worst. - parent of child with disability, meeting of parents focus-group, 24.10.2016;
- <sup>ccii</sup> „We know that child will need individual support in the school to the great extent, but together with the school we found the way out of it – decrease the hours of being in the school, as child would not have supporter and helper there. Decrease of hours was reflected on quality of social integration“ - parent of child with disability, Article <http://bit.ly/2gMfyHO>;
- <sup>cciii</sup> Situation of Children's Rights in Georgia - Public Defender of Georgia, 2014, page 19-21, <http://www.ombudsman.ge/uploads/other/3/3286.pdf>;
- <sup>cciv</sup> Law of Georgia on General Education, Article 21<sup>2</sup>, paragraph 1, sub-paragraph „e“.
- <sup>ccv</sup> Ordinance of the Government of Georgia N68 of February 20, on Approving Teacher Pre-service, Professional Development and Career Advancement Scheme.
- <sup>ccvi</sup> Order of the Minister of Education and Science of Georgia N392 of July 16, 2013 on Approval of application form to the Inclusive Education Development Division of the National Curriculum Department of the Ministry of Education and Science of Georgia by parent/legal representative of student with special education status.
- <sup>ccvii</sup> Public school N198 of Tbilisi without boarding service - for students with intellectual and multilateral disorders; Public School N200 of Tbilisi with boarding service - for students with intellectual and multilateral disorders; Public school N202 of Tbilisi with boarding service – for students with visual impairment; public school N203 of Tbilisi with boarding service – for students with hearing impairment and deaf; Public school N45 of Kutaisi with boarding service - for students with hearing impairment and deaf; public school N12 of Chiatura with boarding service - for students with intellectual and multilateral disorders; public school N7 of Akhaltikhe with boarding service -for students with intellectual and multilateral disorders; public school N15 of Samtredia with boarding service – for students with behavioral disorders.
- <sup>ccviii</sup> Practice of the inclusive education in Georgia, alternative report, Institute of Civil Education, 2016, page 49, <http://cdi.org.ge/uploads/pages/alternative-report-on-the-implementation-of-crpd-education-cdi-geo-91.pdf>
- <sup>ccix</sup> „One more problem is getting education. If blind person wants to study in the university, it automatically means that the whole family is involved in it. If the mentioned person lives in region and wants to get enrolled in Tbilisi, the whole family is obliged to move to Tbilisi. There are no services in university to study independently. Some kind of Council was established in my university but unsuccessful. As for me personally, I have somebody to read for me but the others do not. My parents help to go to university for four years already“ – woman with disability, focus-group meeting, 08.11.2016;
- <sup>ccx</sup> Practice of the inclusive education in Georgia, alternative report, Institute of Civil Education, 2016, page 51, <http://cdi.org.ge/uploads/pages/alternative-report-on-the-implementation-of-crpd-education-cdi-geo-91.pdf>
- <sup>ccxi</sup> Ordinance of the Government of Georgia N660 of December 30, 2015 on Approval of Healthcare State programs of 2016, Annex 1, <https://matsne.gov.ge/ka/document/view/3143621>;

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- ccxii Ordinance of the Government of Georgia N36 of February 21, 2013 on Some measures to be taken for transition to the universal healthcare, <https://matsne.gov.ge/ka/document/view/1852448>;
- ccxiii Study - Analysis of action plans from perspective of protecting women's health, 2016.
- ccxiv Ordinance of the Government of Georgia N36 of February 21, 2013 on Some measures to be taken for transition to the universal healthcare, Annex 1.3. <https://matsne.gov.ge/ka/document/view/1852448>;
- ccxv Ordinance of the Government of Georgia N359 of November 22, 2010 On Approval of Technical Regulations of Medical Activities with High Risk, Article 13; <https://matsne.gov.ge/ka/document/view/1113752>;
- Ordinance of the Government of Georgia N385 of December 17, 2010 on Approval of provisions on rules and conditions of licensing medical activities and issuing inpatient facility permits; list of permission conditions of inpatient institutions, paragraph 9; <https://matsne.gov.ge/ka/document/view/1150800>;
- ccxvi Order of the Minister of Labor, Health and Social Affairs of Georgia N01-25/6 of January 19, 2013 on Defining minimal requirements for classification of medical interventions and for providers of outpatient services, Annex 1, Article 2, paragraph 5; <https://matsne.gov.ge/ka/document/view/1946785>;
- ccxvii Report on study of healthcare clinics of Georgia, 2016, Disability Rights International – based on the study conducted on implementation in practice of hydrocephalic protocol, which was conducted throughout the country, 26.3% of clinics were not informed regarding the protocol, 71.4% noted that have not received any kind of assistance regarding its introduction and implementation in practice from the Ministry of Labor, Health and Social Affairs after receiving the protocol; 31% noted that they do not use the protocol in practice.
- ccxviii Resolution of the Parliament of Georgia of 2013 on Approval of State Concept of Mental Health, <https://matsne.gov.ge/ka/document/view/2157098>;
- ccxix Ordinance of the Government of Georgia N762 of December 31, 2014 an Approval of Strategic Document of Mental Healthcare Development and Government's Action Plan 2015-2020, <https://matsne.gov.ge/ka/document/view/2667876>;
- ccxx Law of Georgia on State Budget of Georgia of 2017, code 35030301, <https://matsne.gov.ge/ka/document/view/3495562>;
- Ordinance of the Government of Georgia N638 of December 30, 2016 on approval of State Program of Healthcare of 2017, Annex 12 – Mental health, Article 4, paragraph 5, „a“ and „b“ sub-paragraphs, <https://matsne.gov.ge/ka/document/view/3530020>;
- ccxxi The mentioned is caused as by insufficient number of psychiatric assistance, as well as by ineffective procedures of purchase of medication. Namely, the company that offers the lowest prices wins the simplified electronic tender.
- ccxxii Public Defender's Parliamentary Report, 2015, page 358-359;
- ccxxiii Centre for Global Health Research of the World Health Organization <http://apps.who.int/gho/data/node.main.MHBEDS?lang=en>
- ccxxiv Special Report of the Public Defender of Georgia, 2015, page 363
- ccxxv Law of Georgia on Social Care of PWDs. Chapter III, Articles: 13, 14, 15, 16. Available at: <https://matsne.gov.ge/ka/document/view/30316>, last visited: 18.12.2016
- ccxxvi Rights and Freedoms of Women with Disabilities. Untold stories of women with deprived gender. Platform for New Opportunities (PNO). 2016
- ccxxvii Government's Action Plan on Providing Equal Opportunities for PWDs. Available at: [http://gov.ge/files/381\\_40157\\_501181\\_76200114.pdf](http://gov.ge/files/381_40157_501181_76200114.pdf)
- ccxxviii Government's Action Plan on Human Rights Protection (2014-2015). Available at: <https://matsne.gov.ge/ka/document/view/2391005> last visited: 18.12.2016
- ccxxix Performance report of Government's Human Rights Action Plan (2014-2015წ.) Available at: <https://matsne.gov.ge/ka/document/view/3315211> - Annexes (2) last visited: 18.12.2016
- ccxxx Children rehabilitation-habilitation. Available at: [http://ssa.gov.ge/index.php?lang\\_id=GEO&sec\\_id=611](http://ssa.gov.ge/index.php?lang_id=GEO&sec_id=611) last visited: 18.12.2016
- ccxxxi Correspondence with LEPL Social Services Agency. Annex - 26.10.2016
- ccxxxii Children early development. Available at: [http://ssa.gov.ge/index.php?sec\\_id=613&lang\\_id=GEO](http://ssa.gov.ge/index.php?sec_id=613&lang_id=GEO) last visited: 18.12.2016

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- ccxxxiii Correspondence with LEPL Social Services Agency. Annex - 26.10.2016
- ccxxxiv Daycare centers. Available at: [http://ssa.gov.ge/index.php?lang\\_id=GEO&sec\\_id=789](http://ssa.gov.ge/index.php?lang_id=GEO&sec_id=789) last visited: 18.12.2016
- ccxxxv Correspondence with LEPL Social Services Agency. Annex - 26.10.2016
- ccxxxvi Rehabilitation program of children with autism spectrum disorder. Available at: <http://tbilisi.gov.ge/page/290> last visited: 18.12.2016
- ccxxxvii Report of Public Defender of Georgia of 2015 on Human Rights and Freedoms in Georgia, 2015, page 757. Available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, last visited: 10.09.2016
- ccxxxviii „Guidelines on the Implementation of the UN Convention on the Rights of PWDs“; Human Rights Education and Monitoring Center (EMC), Tbilisi, 2014, page 101, Available at: <https://emc.org.ge/2014/08/18/uncrpd-is-imlementaciis-gaidlaini/>, last visited: 10.09.2016
- ccxxxix „Guidelines on the Implementation of the UN Convention on the Rights of PWDs“; Human Rights Education and Monitoring Center (EMC), Tbilisi, 2014, page 101-102, Available at: <https://emc.org.ge/2014/08/18/uncrpd-is-imlementaciis-gaidlaini/>, last visited: 10.09.2016
- ccxl Tax Code of Georgia, Article 82.1.c. Available at: <https://matsne.gov.ge/ka/document/view/1043717>, last visited: 10.09.2016
- ccxli Correspondence of the Revenue Service of Georgia N21-11/74149 of August 15, 2016. „Based on the unified electronic data base of the Revenue service, in the period between 01.01.2012-11.08.2016 40 017 persons were exempted from taxes in accordance with Article of the Tax Code of Georgia. 1053 persons out of them have indicated the status of PWD“.
- ccxlii Ordinance of the Government of Georgia N333 of July 18, 2016 on Approval of State program of Development of Services of Employment Promotion, Available at: <https://matsne.gov.ge/ka/document/view/3345067>, last visited: 10.09.2016
- ccxliiii Ordinance of the Government of Georgia N279 of July 23, 2012 on defining Social Package, Article 6.4. Available at: <https://matsne.gov.ge/ka/document/view/1043717>, last visited: 10.09.2016
- ccxliv Law of Georgia on Public Service, Article 27.2.e; Article 107.1.c. Available at: <https://matsne.gov.ge/ka/document/view/3031098>, last visited: 10.09.2016
- ccxlv „Status of recipient of support, represents the hindering circumstance for employment in the public sector, on the one hand and on the other hand, unconditional basis for termination the activities of the public servant, except the cases when the court decides otherwise. Unlike the legislation regulating employment in the public sector, similar barriers are not set in private sector for recipients of support to be employed. Assessment of Legal Capacity Reform and its implementation process, Human Rights Education and Monitoring Center (EMC), 2016, page 24-26. Available at: <https://emc.org.ge/2016/06/07/emc-82/>, last visited: 10.09.2016
- ccxlvi Report of Public Defender of Georgia of 2015 on Human Rights and Freedoms in Georgia, 2015, page 1085. Available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, last visited: 10.09.2016
- ccxlvii Ordinance of the Government of Georgia N333 of July 18, 2016 on Approval of State program of Development of Services of Employment Promotion, Available at: <https://matsne.gov.ge/ka/document/view/3345067>, last visited: 10.09.2016
- ccxlviii Ordinance of the Government of Georgia N451 of August 31, 2015 on Approval of State program of professional training/retraining and development of job-seekers, Available at: <https://matsne.gov.ge/ka/document/view/2963861>, last visited: 10.09.2016; Ordinance of the Government of Georgia N238 of July, 2016 on Approval of State program of professional training/retraining and development of job-seekers, Available at: <https://matsne.gov.ge/ka/document/view/3297886>, last visited: 10.09.2016
- ccxlix „Employment of up to 40 beneficiaries is provided for with the subsidizing component; Article 2.6: „The Agency provides for subsidizing of beneficiaries with 50% of the remuneration considered for the vacant position provided by the employer, but not more than 460 (four hundred and sixty GEL). Article 2.8: „The length of subsidy duration is not more than 4 (four) calendar months“; Ordinance of the Government of Georgia N333 of July 18, 2016 on Approval of State program of Development of Services of Employment Promotion; Annex N1.5.1. Article 2.4. Available at: <https://matsne.gov.ge/ka/document/view/3345067>, last visited: 10.09.2016

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<sup>cc1</sup> „15 309 job seekers were provided individual consultation by the Agency territorial centers. 1 939 job-seekers participated in group consultations, including 117 PWDs“. Report of the Government of Georgia on Ordinance N245.

<sup>ccli</sup> „The mentioned program was conducted last year also (2015), where 31 PWDs participated“. Correspondence of the Ministry of Labor, Health and Social Affairs of Georgia N01/58370 of July 29, 2016 page 1.

<sup>cclii</sup> „There is no statistical information regarding self-employed PWDs or employed in private and non-formal sector. Correspondence of the Ministry of Labor, Health and Social Affairs of Georgia N01/68617 of September 8, 2016.

<sup>ccliii</sup> „According to the report of the Public Service Bureau of 2015 out of **53 109** persons employed in public sector only **112** are PWDs“. Report of Public Defender of Georgia of 2015 on Human Rights and Freedoms in Georgia, 2015, page 1087. Available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, last visited: 10.09.2016

<sup>ccliv</sup> „98 job-seekers attended consultations. Similar project was implemented also together with association Anika and in this case 17 PWDs benefitted with consultation services“. Correspondence of the Ministry of Labor, Health and Social Affairs of Georgia N01/58169 of July 29, 2016. page 2.

<sup>cclv</sup> „12 (twelve) PWDs were employed in 2014, 9 (nine) in 2015, 11 (eleven) in 2016“. Correspondence of the Ministry of Labor, Health and Social Affairs of Georgia N01/58169 of July 29, 2016. page 2.

<sup>cclvi</sup> „Electronic portal of registering job-seekers, information system of management of labor market – operates since 2013 - [www.worknet.gov.ge](http://www.worknet.gov.ge); where job-seekers can register online and also, in territorial units of Social Service Agency throughout the country. Since the day the web-site was operated **44 724** job-seekers were registered out of which **1 462** are PWD“. Correspondence of the Ministry of Labor, Health and Social Affairs of Georgia N01/58169 of July 29, 2016. page 2.

<sup>cclvii</sup> Report of Public Defender of Georgia of 2015 on Human Rights and Freedoms in Georgia, 2015, page 763. Available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, last visited: 10.09.2016.

<sup>cclviii</sup> Law of Georgia on Social Protection of PWDs, Available at: <https://matsne.gov.ge/ka/document/view/30316>, last visited: 08.10.2016.

<sup>cclix</sup> Law of Georgia on Social Assistance, Available at: <https://matsne.gov.ge/ka/document/view/23098>; last visited: 08.10.2016.

<sup>cclx</sup> Law of Georgia on Social Assistance, Article 12<sup>1</sup>. Available at: <https://matsne.gov.ge/ka/document/view/23098> ; last visited: 08.10.2016.

<sup>cclexi</sup> Recommendation Concept on Implementation of the UN Convention on the Rights of PWDs (UNCRPD); Human Rights Education and Monitoring Center (EMC); Tbilisi, 2014; page 108.

<sup>cclexii</sup> „It is clear from the cases studied by Office of the Public Defender that the problems related to receiving (appointing, terminating) by person, also issues related awarding the status of PWD are closely linked to each other. Biggest part of citizens are not aware on procedures provided for by the legislation that gives opportunity of awarding (continuing) the status of disabled person. If the person that has status for certain period, did not go through another check, the social package will be terminated for him/her. The case of terminating social package due to expiration of ID card“, Correspondence of the Office of Public Defender of Georgia N01-8/11247 September 22. 2016.

<sup>cclexiii</sup> Law of Georgia on defining Social Package, Article 5.1.c. Available at: <https://matsne.gov.ge/ka/document/view/1707671> ; last visited: 09/09/2016.

<sup>cclexiv</sup> Note: limiting regulation does not apply to persons with significantly expressed disabilities and persons with significantly expressed disabilities due to visual impairment.

<sup>cclexv</sup> Ordinance of the Government of Georgia N279 of July 23, 2012 on defining Social Package, Article 12.1.8; Available at: <https://matsne.gov.ge/ka/document/view/1707671> ; last visited: 09/09/2016.

<sup>cclexvi</sup> Recommendation of Public Defender of Georgia, Available at: <http://www.ombudsman.ge/uploads/other/4/4495.pdf>, last visited: 07.07.2017

<sup>cclexvii</sup> Ordinance of the Government of Georgia N279 of July 23, 2012 on defining Social Package, Article 12.1.8; Available at: <https://matsne.gov.ge/ka/document/view/1707671> ; last visited: 09/09/2016.



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celxviii „Recommendation Concept on Implementation of the UN Convention on the Rights of PWDs (UNCRPD); Human Rights Education and Monitoring Center (EMC); Tbilisi, 2014; Available at: <https://emc.org.ge/2014/08/18/uncrpd-is-implementaciis-gaidlaini/>, last visited: 10.09.2016.

celxix „The living allowance is monetary social assistance intended for improving the social and economic conditions of deprived families identified by the evaluation system“, Law of Georgia on Social Assistance, Article 7.2. Available at: <https://matsne.gov.ge/ka/document/view/23098> ; last visited: 08.10.2016.

celxx „Assessment rule (declaration) mostly cannot meet or does not provide for special needs of PWDs. Therefore many of them are not included in unified database of socially vulnerable families and cannot get medical services“, Report of Public Defender of Georgia of 2015 on Human Rights and Freedoms in Georgia, 2011, page 261. Available at: <http://www.ombudsman.ge/uploads/other/0/85.pdf>, last visited: 10.09.2016.

celxxi „One of the most significant challenges facing the State still remains social protection, realization of proper housing and employment of PWDs. The number of applications of PWDs to Public Defender has increased significantly during the last few months, who consider that after approving Methodology of assessment of social-economic conditions of socially vulnerable families, it has become significantly complicated to obtain the right to use living allowance that on the other hand, deteriorates their social-economic condition.“Report of Public Defender of Georgia of 2015 on Human Rights and Freedoms in Georgia, 2015, page 1041. Available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, last visited: 10.09.2016.

celxxii Ordinance of the Government of Georgia N758 of December 31, 2014 on Approval of Methodology of assessment of social-economic conditions of socially vulnerable families; Available at : <https://matsne.gov.ge/ka/document/view/2667586> ; last visited: 08.10.2016.

celxxiii *The number of applications of PWDs to Public Defender has increased significantly during the last few months, who consider that after approving Methodology of assessment of social-economic conditions of socially vulnerable families, it has become significantly complicated to obtain the right to use living allowance that on the other hand, deteriorates their social-economic condition.*“Report of Public Defender of Georgia of 2015 on Human Rights and Freedoms in Georgia, 2015, page 1041. Available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, last visited: 10.09.2016.

celxxiv „Based on the analysis of the cases studied, we can say that realization of the mentioned right is not always possible within the scopes of the mentioned regulations. Based on the aforementioned Public Defender of Georgia issued general recommendation that is reflected in Public Defender’s Parliamentary Report on Human Rights and Freedoms in Georgia. Based on recommendation Ministry of Labor, Health and Social Affairs should revise the Methodology of assessment of social-economic conditions of socially vulnerable families and format it in the way that provides families of children with disabilities and proper special needs with state allowance“; Correspondence of Office of Public Defender of Georgia N01-8/11247 of September 22, 2016.

celxxv „Revise the Methodology of assessment of social-economic conditions of socially vulnerable families and format it in the way that provides the families of children with disabilities and proper special needs with state allowance“, Report of Public Defender of Georgia of 2015 on Human Rights and Freedoms in Georgia, 2015, page 1093. Available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, last visited: 10.09.2016.

celxxvi Correspondence of Social Service Agency of the Ministry of Labor, Health and Social Affairs of Georgia N04/62196 of August 22, 2016.

celxxvii Correspondence of Social Service Agency of the Ministry of Labor, Health and Social Affairs of Georgia N04/59441 of August 3, 2016.

celxxviii Correspondence of Social Service Agency of the Ministry of Labor, Health and Social Affairs of Georgia N04/59441 of August 3, 2016.

celxxix Ordinance of Sachkhere Municipality N40 of November 25, 2015 on Defining budget of Sachkhere Municipality 2016, Article 5.2.2. Available at: <https://matsne.gov.ge/ka/document/view/3061042>, last visited: 10.09.2016.

Ordinance of Dusheti Municipality N36 of December 25, 2015 on Defining budget of Dusheti Municipality 2016, Article 5.2.3. Available at: <https://matsne.gov.ge/ka/document/view/3125162>, last visited: 10.09.2016.

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Ordinance of Lagodekhi Municipality N55 of December 25, 2015 on Defining budget of Lagodekhi Municipality 2016, Article 20.2.2. Available at: <https://matsne.gov.ge/ka/document/view/3129229>, last visited: 20.09.2016.

Ordinance of Ambrolauri Municipality N52 of December 25, 2015 on Approval of program budget of Ambrolauri Municipality 2016, Article 7.4. Available at: <https://matsne.gov.ge/ka/document/view/3130588>, last visited: 10.09.2016.

celxxx Correspondence of the Office of Public Defender of Georgia N01-8/11247 of September 22, 2016.

celxxxI Homelessness -analysis of the State policy, Human Rights Education and Monitoring Center (EMC), 2016, page 61. Available at: <https://emc.org.ge/2016/10/27/emc-172/>, last visited: 13.07.2017.

celxxxII Homelessness -analysis of the State policy, Human Rights Education and Monitoring Center (EMC), 2016, page 60. Available at: <https://emc.org.ge/2016/10/27/emc-172/>, last visited: 13.07.2017

celxxxIII Constitution of Georgia. Available at: <https://matsne.gov.ge/ka/document/view/30346> last visited: 08.01.2017

celxxxIV Organic Law of Georgia: Election Code of Georgia. Available at: <https://matsne.gov.ge/ka/document/view/1557168> last visited: 08.01.2017

celxxxV "Voting Rights for PWDs." International Society for Fair Elections and Democracy (ISFED). 2016. Available at: <http://www.isfed.ge/main/1176/geo/> last visited: 08.01.2017

celxxxVI Article 65, Paragraph 3, Organic Law of Georgia: Election Code of Georgia. Available at: <https://matsne.gov.ge/ka/document/view/1557168> last visited: 08.01.2017

celxxxVII Article 33, Paragraph 3, Organic Law of Georgia: Election Code of Georgia. Available at: <https://matsne.gov.ge/ka/document/view/1557168> last visited: 08.01.2017

celxxxVIII "Government' Action Plan on Equalization of Opportunities for PWDs." Available at: [http://gov.ge/files/381\\_40157\\_501181\\_76200114.pdf](http://gov.ge/files/381_40157_501181_76200114.pdf)

celxxxIX "Special Report on the Rights of PWDs, 2015." Available at: <http://www.ombudsman.ge/uploads/other/3/3727.pdf>

celxxc "Report of the Public Defender of Georgia on the Human Rights and Freedoms, 2015." Available at: <http://www.ombudsman.ge/uploads/other/3/3651.pdf>

celxxci June 14, the Day of (Non)Protection of Rights. Partnership for Human Rights. Anna Arganashvili. 2016. Available at: <https://phrgeorgia.wordpress.com/2016/06/14/14-%E1%83%98%E1%83%95%E1%83%9C%E1%83%98%E1%83%A1%E1%83%98-%E1%83%A3%E1%83%A4%E1%83%9A%E1%83%94%E1%83%91%E1%83%94%E1%83%91%E1%83%98%E1%83%A1-%E1%83%90%E1%83%A0-%E1%83%93%E1%83%90%E1%83%AA%E1%83%95/>

celxxcii 2013 Report of the Ministry of Sport and Youth Affairs of Georgia, pp. 35-36. Available at: <http://msy.gov.ge/files/111/Saministro/2013.pdf>, last visited: 09.01.2017;

2014 Report of the Ministry of Sport and Youth Affairs of Georgia, p. 21. Available at: [http://msy.gov.ge/files/111/Sajaro%20Informacia/ %E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98\\_2014.pdf](http://msy.gov.ge/files/111/Sajaro%20Informacia/ %E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98_2014.pdf), last visited: 09.01.2017;

2015 Report of the Ministry of Sport and Youth Affairs of Georgia on the Implementation of Programs and Subprograms, p.7. Available at: [http://msy.gov.ge/files/111/Sajaro%20Informacia/ 2015\\_12\\_tve -%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98\\_1.pdf](http://msy.gov.ge/files/111/Sajaro%20Informacia/ 2015_12_tve -%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98_1.pdf), last visited: 09.01.2017

celxxciii Decree N601 of the Government of Georgia of April 4, 2014 "On the Approval of the State's Sport Policy." Available at: <https://matsne.gov.ge/ka/document/view/2314945>, last visited: 27.01.2017

celxxciv *In 2014, the number of PWDs participating in the events organized by the Ministry of Sport and youth Affairs was 500. In 2015, under the program "Social Integration of PWDs," up to 70 PWDs were trained in different professional fields, including manual labor. Up to 40 PWDs were employed in distance work from home, in Georgian Wikipedia and other news agencies.* See the 2014 Report of the Ministry of Sport and Youth Affairs of Georgia, pg. 21. Available at: [http://msy.gov.ge/files/111/Sajaro%20Informacia/ %E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98\\_2014.pdf](http://msy.gov.ge/files/111/Sajaro%20Informacia/ %E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98_2014.pdf), last visited: 27.01.2017

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2015 Report of the Ministry of Sport and Youth Affairs of Georgia on the Implementation of Programs and Subprograms, p.7. Available at: [http://msy.gov.ge/files/111/Sajaro%20Informacia/2015\\_12\\_tve\\_%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98\\_1.pdf](http://msy.gov.ge/files/111/Sajaro%20Informacia/2015_12_tve_%E1%83%90%E1%83%9C%E1%83%92%E1%83%90%E1%83%A0%E1%83%98%E1%83%A8%E1%83%98_1.pdf), last visited: 27.01.2017

ccxcv *The webpage of the Ministry of Sport and Youth Affairs of Georgia is not adapted to PWDs. As for the physical facilities, only the entrance and the ground floor foyer are adapted;* The Administration of the Government of Georgia, Correspondence N 36194, 03.10.2016

ccxcvi The Administration of the Government of Georgia, Correspondence N N 36194, 03.10.2016

ccxcvii Government' Action Plan on Equalization of Opportunities for PWDs." Available at: [http://gov.ge/files/381\\_40157\\_501181\\_76200114.pdf](http://gov.ge/files/381_40157_501181_76200114.pdf)

ccxcviii "Report of the Public Defender of Georgia on the Human Rights and Freedoms, 2015." Available at: <http://www.ombudsman.ge/uploads/other/3/3651.pdf>

ccxcix Protocol N2 of the October 27, 2014 session of the Coordination Council on the Rights of PWDs.

ccc Decree N 231 of the Government of Georgia of December 15, 2009 "On the Approval of the Creation and Provision of the State Interagency Coordination Council on the Rights of PWDs," Annex 1, Article 1. Available at: <https://matsne.gov.ge/ka/document/view/3214> ; last visited: 04.10.2016.

ccci Decree N 231 of the Government of Georgia of December 15, 2009 "On the Approval of the Creation and Provision of the State Interagency Coordination Council on the Rights of PWDs," Annex 1, Article 1. Available at: <https://matsne.gov.ge/ka/document/view/3214> ; last visited: 04.10.2016.

cccii *"Considering its status, composition and format, the Coordination Council, which is, in effect, non-functioning, cannot fulfill the main function of the implementation body – the establishment and coordination of a coherent internal policy regarding the Convention, even in theory"* - Report of the Public Defender of Georgia on the Human Rights and Freedoms, 2015." Available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, last visited: 10.09.2016.

ccciii *„Even though the Coordination Council of the Rights of PWDs has been nominated as the implementing body of the Convention, the state failed to create an effective mechanism that would coordinate the issues related to the implementation of the Convention according to its Article 33. Considering its status, composition and format, the Coordination Council, which is, in effect, non-functioning, cannot fulfill the main function of the implementation body – the establishment and coordination of a coherent internal policy regarding the Convention, even in theory"* - Report of the Public Defender of Georgia on the Human Rights and Freedoms, 2015, pg.1039. Available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, last visited: 10.09.2016

ccciv Report of the Public Defender of Georgia on the Human Rights and Freedoms, 2015. Available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, last visited: 10.09.2016.

cccv *"The Human Rights Secretariat has been functioning at the Government Administration since 2014. Its main function is to coordinate the implementation of the National Human Rights Strategy (2014-2020), approved by the Ordinance N N2315-IIIb of April 30, 2014 of the Parliament of Georgia and the Human Rights Action Plans executing the Strategy"* – Comprehensive Report of the Government of Georgia according to Article 35, Paragraph 1 of the UN Convention on the Rights of PWDs of December 13, 2006. 2016.

cccvi *"Currently, the Coordination Council on the Rights of PWDs, as well as the Human Rights Secretariat, have no independent budget,"* – Correspondence N73274 of December 7, 2015 of the Government of Georgia.

cccvii *"The monitoring mechanism under the Public Defender, the Department of the Rights of PWDs (which employs 4 staff members) includes a consultation council and monitoring group on the monitoring of the promotion, protection and implementation of the rights of PWDs."* Correspondence N01-8/9301 of August 15, 2016 of the Public Defender of Georgia.

cccviii *"For the purposes of protection and monitoring of the UN Convention on the Rights of PWDs, the budget of the Office of the Public Defender envisages the amount of 200,000-250,000 GEL."* - Correspondence N01-8/9301 of August 15, 2016 of the Public Defender of Georgia.

cccix Law on Georgia "On the State Budget of 2016." Available at: <https://matsne.gov.ge/ka/document/view/3108373>, last visited: 09.10.16. Note: the budget of the Public Defender's Office is defined as 4,500 GEL.

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## Annex

### 1. Accessible Environment for Everyone (AEE)

The organization was founded in 2011 by PWDs and on all levels of decision-making and activity, the majority of participants includes PWDs. As a result of AEE's activities, a non-formal network of independent DPOs has been created in different municipalities of Georgia. The mission of the organization is to advocate the rights of PWDs in order to ensure their equal access to social goods. To this end, AEE works in several strategic directions: strengthening the movement for the rights of the community and PWDs by providing them with the necessary knowledge and skills for effective self-advocacy; advocating on the level of state policy in order to support effective and consistent approach to ensure equal opportunities for PWDs; raising public awareness and cooperating with other organizations and activists interested in these issues in order to achieve social change.

*E-mail: [geoaccessibility@yahoo.com](mailto:geoaccessibility@yahoo.com);*

### 2. Human Rights Education and Monitoring Center (EMC)

Since 2012, EMC is actively working as Civil Society Organization focusing on human rights. One of the main programme directions of the Human Rights Education and Monitoring Center (EMC) is the Social Rights Program, which, among others, includes the issues related to the protection of the rights of PWDs. Specifically, EMC works on the analysis of the rights situation of PWDs, preparation of relevant legislative reports, analytical documents, research studies and reports, etc., strategic litigation against the Constitutional Court, general courts, and the anti-discrimination mechanisms, advocacy of policies, etc. EMC has prepared a recommendatory concept for the implementation of the UN Convention on the Rights of PWDs (UNCRPD) – including recommendations for the transformation of the legislation and main policy directions.

*Web-page: [www.emc.org.ge](http://www.emc.org.ge); E-mail: [humanrightsemc@gmail.com](mailto:humanrightsemc@gmail.com);*

### 3. Partnership for Human Rights (PHR)

Since 2012, PHR has been actively working on the rights of PWDs. In the working process, the organization stresses the issues of protecting the rights of persons with psychological-social needs, PWDs living in locked units, and women and children with disabilities. To this end, the organization's activities include the following: advocacy on the rights of PWDs, strategic litigation, support to state and local policies based on human rights and legislative changes

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compliant with international standards, inclusion of PWDs in the decision-making process and conduct of legal and sociological research.

*Web-page:* [www.phr.ge](http://www.phr.ge); *E-mail:* [Info@phr.ge](mailto:Info@phr.ge);

#### **4. Open Society Georgia Foundation (OSGF)**

Open Society Georgia Foundation (OSGF) was established in 1994. The Foundation supports the development of a free and democratic society in which the government is accountable to the citizens and politics serve the people. The Foundation supports vision towards societies in which human rights are protected and the society respects different opinions and ethnic backgrounds.

*Web-page* [www.osgf.ge](http://www.osgf.ge);

#### **5. Mariani**

Nongovernmental organization Mariani is an organization working on the rights of PWDs, which was established in 2012. The organization aims at increasing access to environment for persons with vision impairment and raising public awareness on issues related to PWDs.

#### **6. Georgian Down Syndrome Association**

Nongovernmental organization “Georgian Association of Down Syndrome” was established in 2006. The organization aims at informing the parents of children with Down syndrome and raise public awareness on issues related to PWDs.

*Web-page:* [www.downsyndrome.ge](http://www.downsyndrome.ge);

#### **7. Global Initiative in Psychiatry Foundation**

The Global Initiative in Psychiatry Foundation is a nongovernmental organization established in 2005, which aims at developing humane, ethical and effective mental health services globally and supporting the development of a global network of physical persons and organizations through advocacy of the rights of PWDs and implementation of necessary reforms.

*Web-page:* [www.gip-global.org](http://www.gip-global.org); [tbilisi@gip-global.org](mailto:tbilisi@gip-global.org);

#### **8. Research Center on Issues of PWDs at the Tbilisi State University**

The Research Center was established in 2014. It aims at supporting the creation of equal environment for PWDs through scientific research. Furthermore, the Center also aims at

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elaborating and organizing training programs, supporting the development of international cooperation and effectively implementing educational programs of the university.

### **9. Registered Union of PWDs in Sachkhere**

The Registered Union of PWDs in Sachkhere is a DPO established in 2005. Its main aim is to protect and improve civil rights and interests of PWDs, as well as improvement of the quality of life and social integration.

### **10. Everyone for Everyone**

The non-governmental organization “Everyone for Everyone” represents a disabled persons’ organization (DPO). The organization was established in 2013 and it works in Akhaltsikhe. The organization aims at improving the human rights situation of PWDs in Akhaltsikhe.

### **11. Georgian Portage Association**

The Georgian Portage Association was established in 2006. It is a service provider nongovernmental organization which tries to assist children with special needs in social integration and full realization of the right to education from a preschool age.

*Web-page: [www.portage.ge](http://www.portage.ge);*

### **12. Georgian Association for Mental Health(GAMH)**

Georgian Association for Mental Health(GAMH) is a nonprofit, non-governmental organization, which was founded in 1991. It unites mental health service users, ex-users), their relatives, mental health professionals and concerned civilians. GAMH seeks to improve the mental health of all citizens of Georgia through advocacy, education, research and service. GAMH is promoting Mental Health Care reforms in Georgia through developing community-based approach. In order to accomplish its mission, GAMH carries out the following activities: advocating for reforms in mental health care in Georgia, raising public awareness, facilitating mental health policy and legislation development.

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### **13. Union "Partnership for Equal Rights" (PER)**

The network "Partnership for Equal Rights" was established in 2003 by the people interested in mental health and psychiatric services beneficiaries. The aim of the organization is to support the people with mental disabilities, defend their rights, encourage the formation of positive public opinion, provide participation of health care system beneficiaries and protect the rights of people with mental disabilities, and eradicate the stigma to the mental health issues.

### **14. Families Against Discrimination (FAD)**

Families Against Discrimination (FAD) is a nongovernmental organization in Georgia, which was established by the parents of children with disability in June, 2015.

FAD supports parents who have children with disabilities.

FAD mission is to prevent rights violation of the persons with disabilities including children, women and old persons. Monitoring disability rights defense; educate other parents about the rights of persons with disabilities; advocate for services and supports for their children; promote Inclusive education in Georgia according to 24 Article of UN-CRPD; increase public understanding and awareness of disability issues in society; and spread civil education.

"It's important for us to help each other and to learn about best practices for our children. No one else will do it for us, as we know our children best."

### **15. Union Our Children**

The union "Our Children" – a network of parents of children with Down syndrome and professionals was set up in 2006. The main aims of the organization are as follows: to facilitate social integration of children with Down syndrome, to ease access to information for the parents of children with Down syndrome, to support public awareness raising on Down syndrome and cooperate with the representatives of a medical sphere, media and educational system.

### **16. International Center for Democratic Development**

International Center of Democratic Development was established in 2010. The priorities of the organization are to defend human rights and freedoms, to protect the rights of the persons with disabilities, to develop democratic values, to defend the rights of sexual minorities, to develop projects on the assistance and promotion of internally displaced people and socially vulnerable population.



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### **17. Platform for New Opportunities (PNO)**

Platform for New Opportunities (PNO) represents the recently established movement of diverse young women with disabilities and unites the members with the solid experience in disability rights movement, as well as in women's rights movement. PNO aims to improve the human rights condition of women with disabilities suffering the multiple discrimination.