

The United Nations Human Rights Council

Joint Submission for the Universal Periodic Review

Protection of Social and Economic Rights in Georgia

Georgia: 2021 (Third Cycle, 37th Session)

Coalition of Human Rights Organizations:

Human Rights Education and Monitoring Center (EMC), Georgian Young Lawyers' Association (GYLA) and Partnership for Human Rights (PHR)

The Coalition was formed to develop a joint statement for the Third UPR Cycle of Georgia. Civil society organizations of the coalition are well established NGOs, which are actively working on numerous aspects of social and economic rights and rights of various vulnerable groups in Georgia. The information provided in this report is based on the participant organizations' studies, researches, legal cases, advocacy campaigns and lobbying on the policy level.

ადამიანის უფლებების სწავლებისა და მონიტორინგის ცენტრი



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1. Introduction

1. The present joint submission has been prepared by the coalition of CSOs consisting of three organizations: Human Rights Education and Monitoring Center (EMC), Georgian Young Lawyers' Association (GYLA) and Partnership for Human Rights (PHR). The document aims at analyzing the state of implementation of social and economic rights by the Government of Georgia (GoG) and providing relevant recommendations in this regard. The submission covers the period between 2015 and 2020 and addresses the following thematic directions:

- General obligations affecting the implementation of social and economic rights;
- The Right to Adequate Housing;
- The Right to work and employment;
- Social Rights of children;
- Reproductive and sexual health of women with disabilities.

2. The report has been prepared in line with the research, strategic litigation and advocacy activities carried out by the members of the above-mentioned Coalition.ⁱ All three organizations have been actively involved in the previous UPR reporting process. They also submitted joint and individual mid-term reports during the 2nd cycle of the UPR, assessing the implementation of recommendations accepted and noted by the GoG.ⁱⁱ

2. Introduction to the national UPR context

3. The last review of Georgia - the 2nd cycle of UPR - took place in November 2015. In the framework of the review process, Georgia received 203 recommendations regarding various aspects of human rights protection. In 2016, all recommendations were supported or noted by the country.

3. Human Rights Issues

Issue 1. General Human Rights Obligations

4. In the framework of the 2nd cycle of UPR, Georgia received 7 recommendationsⁱⁱⁱ regarding ratification of international treaties relevant for the fulfilment of social and economic rights – the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Despite the acceptance of these recommendations by the GoG, the treaties have not been ratified yet. This fact, on the one side, hinders the effective protection of the rights of migrant workers and their family members and on the other side, prevents the application of the individual complaint mechanism before the UN Committee on Economic, Social and Cultural Rights.

5. In the framework of the previous cycle of UPR, it was stressed that Georgia had not submitted its overdue report under the International Covenant on Economic, Social and Cultural Rights. Despite the specific recommendation in that regard,^{iv} the national report has not been submitted to the UN

Committee on Economic, Social and Cultural Rights yet. Thus, from June 2007 the national report is considered as overdue.

6. Georgia ratified Revised European Charter in 2005, however, out of 98 paragraphs of the Charter, 35 paragraphs are remained unaccepted by the GoG.^v Therefore, important provisions guaranteeing certain aspects of, *inter alia*, the right to work, the right to social protection (including, for children and youth, elderly persons, persons with disabilities) and the right to housing are not in force. Additionally, the GoG has not ratified Additional Protocol to the European Social Charter Providing for a System of Collective Complaints, which prevents the possibility to directly apply to the European Committee of Social Rights in the case violation of Charter’s provisions.

Recommendations

Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
Submit overdue National Report to the UN Committee on Economic, Social and Cultural Rights.
Accept relevant provisions of Revised European Social Charter, which have not been in force yet.
Ratify Additional Protocol to the European Social Charter Providing for a System of Collective Complaints.

Issue 2. The Right to Adequate Housing

7. Protection of the right to adequate housing and fighting against homelessness should be regarded as one of the most acute challenges in the country. The problems faced by various groups, who have become homeless as a result of socioeconomic vulnerability, are aggravated by the absence of the national housing strategy, as well as the lack of relevant legislative and institutional framework and housing services.^{vi}

8. In the framework of the 2nd cycle of UPR, Georgia accepted recommendations on the protection of social rights of the most vulnerable groups, as well as the implementation of the National Strategy for the protection of Human Rights in Georgia (for 2014-2020). Despite this fact, the GoG has failed to take effective steps towards protection of the right to adequate housing and eradication of homelessness.

9. The flawed legislation poses one of the main challenges in this sphere. While defining the principle of the welfare state, the Constitution of Georgia underlines the state obligation to provide decent housing;^{vii} however, the basic normative framework governing these issues is incompatible with international standards. For example, the term – “homeless person”, which is prescribed by the Law “On Social Assistance” (“a person with no specific and permanent place of residence who is registered as homeless by a local self-government body”)^{viii} is of vague and narrow nature. On the one hand, the requirement of a specific and permanent place of residence is unclear and excludes various homeless groups (for example, persons resided in inadequate housing, persons temporarily living with friends or relatives, persons living under the threat of eviction, etc.) from the regulation.^{ix} On the other hand, the registration requirement of homeless persons is not followed by a wide range of municipalities. Namely, as for July 2020, out of 69 municipalities, only 13 municipalities^x have approved special rules for the registration of homeless

persons, which set additional requirements in the registration process. These requirements are different from one municipality to another and create an unequal approach between the persons with the same housing needs.^{xi}

10. Another acute flaw in the legislation concerns the deprivation of possibility for the persons living on the streets to register as socially vulnerable by the LEPL – Social Service Agency. Therefore, existing regulations leaving the most vulnerable persons without social and healthcare benefits. The compliance of these norms with the Constitution of Georgia is examined by the Constitutional Court.^{xii}

11. Apart from the legislative flaws, there is no uniform housing policy at neither the national nor the municipal levels. Although the National Strategy for the Protection of Human Rights in Georgia (for 2014-2020) adopted by the Georgian Parliament, prioritized the realization of the right to adequate housing, all three Governmental National Human Rights Action Plans,^{xiii} which were designed to implement the Strategy, failed to reflect any obligations in that regard. Therefore, this direction of the Strategy has not fulfilled at all.

12. Georgian Open Government Partnership (OGP) Action plan for 2018-2019^{xiv} is the first document, which prescribes exact commitments in the housing sphere: 1. Creation of the inter-agency Commission; 2. Development of National Housing Strategy and Action Plan. The Commission was created in April 2019, under the coordination of Ministry of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs, however, by this time it failed to make relevant progress towards the development of housing policy documents and barely holds working meetings.^{xv} The Inter-agency Commission still does not possess statistical information on the homeless population and the extent of homelessness in the country, as well as information on the major causes of homelessness and challenges faced by various homeless groups, which should have become the basis for planning and implementation of the effective national housing policy. Additionally, it should be noted that homeless groups are not included in the development process of the Strategy and Action Plan, which is contradictory to the inclusion principle enshrined in the international human rights law.

13. The absence of effective legislative and policy mechanisms negatively affects the functioning of the relevant institutional mechanisms, as well as the housing services. For example, the legislation does not specify the obligations of the central government to guarantee the right to adequate housing and to develop, coordinate and monitor national housing policy.^{xvi} The sole responsibility in that regard is vested on the LEPL-Social Service Agency – development and functioning of the unified register of homelessness;^{xvii} however, taking into account some methodological and practical shortcomings, this function is not implemented effectively and the Agency possesses statistical information from only 3 municipalities.^{xviii} On the other hand, the relevant legislation foresees the following obligations for municipalities: 1. Registration of homeless persons; 2. informing the LEPL – Social Service Agency on the statistics of homelessness; 3. provision homeless persons with shelter. As it was noted above, these functions are not implemented properly in practice.^{xix}

14. Provision of housing services poses serious challenges in the country. Because of the legislative, policy and institutional drawbacks, as well as the lack of financial resources, both short-term and long-term housing services exist only in a very limited manner and are represented in some municipalities in the

forms of emergency shelter, dwelling rents and social housing. Taking into account the essence and functioning of these services, it should be noted that mainly they are not tailored to the needs of various homeless groups and they are not focused on the solution of the homelessness problem in a long-term manner.^{xx}

15. The inactivity of the GoG towards the homelessness issues causes serious challenges to some vulnerable groups. One of these groups is persons/households facing evictions. There are no legislative and policy mechanisms, which would be compliant with minimum international standards. The relevant national legislation does not provide for the unified notion of eviction. Additionally, the removal of persons during the demolition of illegally built dwelling (built without permission) is not qualified as a form of eviction and does not foresee any kind of safeguards for them.^{xxi}

16. The GoG does not possess a prevention policy, which could hinder the actual execution of the eviction procedures and support persons/households to avoid homelessness. The issues of eviction are considered in the light of protection of property rights, where the restoration of the ownership is regarded as the only aim.^{xxii} According to the legislation, during the decision-making process, the court solely identifies the legality issues of house ownership and does not consider other important factors, such as the social vulnerability and needs of persons/households threatened with eviction, the state obligation to protect them from homelessness, etc. Additionally, the rules for the actual execution of the eviction proceedings are not in line with international standards, while the housing services for the evicted persons are insufficient throughout the country. Taking into account the above mentioned challenges, the rising number of eviction proceedings should be taken into account seriously. According to the statistics, more than 1 300 applications for the commencement of eviction proceedings were registered by the LEPL – National Bureau of Enforcement in 2018-2019, which is almost equal to the statistics for 2014-2017.^{xxiii}

17. The flaws in the area of guaranteeing the right to adequate housing are particularly severe for persons with disabilities. Some municipalities prioritize particular groups of persons with disabilities in their local housing regulations; however, the housing services are mostly unavailable and inaccessible for them and are not tailored to their individual needs.^{xxiv} In parallel with the impossibility of creating a consistent system for combating homelessness and include disability perspectives, as well as the lack of community services, a significant number of people are living in large-sized specialized institutions – psychiatric facilities and boarding houses for persons with disabilities.^{xxv} While the practice of institutionalization is contradictory with the international human rights standards, the GoG does not take effective steps for carrying out deinstitutionalization and creating precise strategy/action plan in that regard. It should be noted, that in February 2020 the GoG initiated draft law “on the Rights of Persons with Disabilities”^{xxvi} before the Parliament. The Parliament of Georgia expects to finally approve the Draft Law by the end of July 2020. Despite the acute challenges faced by persons with psychosocial and intellectual disabilities, especially with regard to the institutionalization, the precise obligations of the GoG with regard to the mental health system and deinstitutionalization are omitted in this document.

Recommendations

Amend the national housing legislation, <i>inter alia</i> , the definition of “homeless person”, in line with the international human rights standards and effectively reflect every element of the right to adequate housing in the respective regulations.
Develop effective national housing strategy and action plan, which will cover both preventive and reactive policy measures and which will be based on the research results of the extent of homelessness, factors of becoming homeless and main challenges faced by various homeless groups.
Take all steps to develop an effective institutional framework in the field of housing. To this end, clearly define the functions and obligations of central and municipal authorities and foresee functioning various inter-agency coordination mechanisms.
In line with the international human rights standards, develop a wide range of housing services and ensure their accessibility throughout the country for all homeless groups.
Elaborate national standards regulating eviction procedures, which will duly take into account the needs of persons/households facing evictions and develop relevant preventive and reactive support mechanisms aiming at avoiding their eviction and homelessness.
Develop a strategy/action plan for deinstitutionalization of large-sized psychiatric facilities and boarding houses for persons with disabilities. Carry out deinstitutionalization process in due time-frame, in parallel with creating various community (including, housing) services.

Issue 3. The Right to Work and Employment

3.1 Implementation of the Labor Code in line with International Labor Organization (ILO) standards

18. Labor right, as the crucial part determining nature of the social state, is enshrined in the Constitution of Georgia. The Labor Code of Georgia regulates private labor relationships, while labor regulation of the public service is provided in the Law of Georgia on Civil Service. Further, some other aspects of labor relations are also regulated by different by-laws.

19. The legislative amendment of June 12, 2013^{xxvii} increased the employee's labor safeguards both at the pre-contractual and contract conclusion and termination stages and ensured the legal guarantees for the protection of employees' rights during labor relations. However, analysis of the changes implemented show that applicable standards are insufficient for proper protection of labor rights; some legislative flaws are also observed.

20. In 2016, Universal Periodic Review recommended Georgia continue its efforts to expand social dialogue, as well as to adequately protect the economic rights of employees.^{xxviii}

21. Despite certain legislative amendments, the rights of employees are not sufficiently regulated, which allows employers to violate workers' rights. Protection of working time and overtime, minimum wages, leaves and all other fundamental rights is still a pressing issue. These problems have also been indicated in a Human Rights Watch report detailing the violations of human rights in coal and manganese extraction sites.^{xxix}

22. Furthermore, Georgia has not yet ratified the majority of the ILO Conventions, such as the Labor Inspection Convention, the Weekly Rest(Industry) Convention, Safety and Health in Mines Convention, Minimal Wage Fixing Convention, Hours of Work (Industry) Convention, the ratification of which and their subsequent provision in national legislation will greatly improve workers' legal rights.

23. In 2016, through the Universal Periodic Review, Georgia was recommended to strengthen the labor legislation in terms of gender discrimination and sexual harassment.^{xxx}

24. Georgia has taken steps in this respect; in particular, with the changes made in 2019, legal grounds and mechanisms for combating discrimination^{xxxi} and sexual harassment^{xxxii} in labor relations were determined. In particular, the Public Defender of Georgia was granted the mandate by law to review cases of sexual harassment in a workplace. In addition, pursuant to the law, an employer shall be obliged to take relevant measures to ensure the principles of equal treatment of employees in an institution, including the obligation of prohibition of discrimination should be reflected in the institution's internal regulations and other documents, and to ensure their implementation. However, as of today, many public agencies as well as private companies do not have internal legal mechanisms against sexual harassment and discrimination.^{xxxiii}

25. The grounds for the termination of an employment contact in the Labor Code should not allow an employer to abuse his or her official position. The Labor Code contains a provision according to which a labor relationship may be terminated due to other objective circumstances. Unfortunately, too many employers use the record in such a way that they do not specifically state what objective reasons existed for an employee's dismissal.^{xxxiv}

Recommendations

No later than the end of the 2021 Fall Session, the Parliament of Georgia should consider and adopt amendments to the Labor Code to improve the working conditions of employees.
By the end of 2021, both private and public institutions should develop internal legal redress mechanisms against sexual harassment and discrimination.
A provision should be added to the Labor Code that should provide specific information what other objective circumstances there can be present for the termination of an employment, as well as it should be specified what constitutes an employer's legitimate interest.
Ratify the ILO Conventions, such as the Weekly Rest (Industry) Convention, Safety and Health in Mines Convention, Minimal Wage Fixing Convention, Hours of Work (Industry) Convention, by the end of 2022.

3.2 Institutional Strengthening of Labor Inspection and Expanding Labor Inspection Mandate on Labor Conditions

26. The inspection of working conditions is carried out by the Working Conditions Inspection Department, which is a unit under the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia.^{xxxv} The department was set up in 2015 and has since been incorporated into the Labor and Employment System Reform Budget Program, which includes employment policy and employment promotion in addition to labor conditions. From 2015 to 2020, the program budget has been increasing annually,^{xxxvi} and the authority in relevant directions has also increased.

27. In 2016, through the Universal Periodic Review, Georgia was recommended to continue its efforts to expand social dialogue, as well as to adequately protect, the economic rights of employees, for example by creating a strong labor inspection enforcement mechanism.^{xxxvii}

28. On February 19, 2019, Parliament passed a new organic law on Occupational Safety.^{xxxviii} The new Organic Law came into force on September 1, 2019, and has extended to all areas of economic activity. The Labor Inspectorate has been provided with legal grounds for overseeing labor safety and enforcement mechanisms. Nevertheless, the strengthening of workers' labor rights and effective state supervision mechanisms remain a problem.

29. Currently, the Labor Inspection has no mandate to examine working conditions (including working hours; overtime remuneration; working on days-off, working during night hours). The Parliament of Georgia recognizes this problem^{xxxix} and has begun to elaborate amendments to the labor legislation,^{xl} the amendments is presented in the parliament, but it has not been adopted yet.

30. It is also noteworthy that in addition to the planned changes that require the inspection mandate to be extended to the inspection of working conditions, it is necessary to strengthen the Inspectorate in terms of both financial and human resources. The institutional resources available today for labour inspection, including financial and human resources, are not sufficient to fulfil the present and any potential functions it might be entrusted with.

Recommendations

The Labor Inspection should become an independent body in 2021 and the Georgian government should commit to enhancing Labor Inspection with financial and human resources.
Not later than the autumn session of 2021, Parliament introduce amendments to the Law on Occupational Safety and give the Labor Inspection the possibility and effective enforcement mechanisms to monitor labor conditions.
Ratify the ILO Convention on Labor Inspection by the end of 2021.

Issue 4. Social Rights of Children

4.1 Child Poverty and Child Welfare System

31. There is no setup system and corresponding strategy of social protection in the country, which provide the population with fair, targeted and effective aid which will be oriented on the empowerment of vulnerable groups and aim to overcome poverty.^{xii} The high rates of child poverty reveal that the state policy is not oriented on its eradication. The placement of teenagers under state protection due to poverty is still an issue.^{xiii}

32. The most acute problem of child poverty remains the legal status of children living and working on the streets. Daycare centers that are located in only three cities of Georgia are not enough to support and cover all children in need of those services. Very often children living and working on the streets are victims of labour exploitation. They are coerced to give the money they earn to an adult who controls them. Due to difficult socio-economic conditions, children are forced to be involved in age-inappropriate labour. This problem is particularly severe in resorts, where children seasonally fulfil jobs that are dangerous for their health and development. This issue is current because the steps made by the state are often weak or ineffective. Current ways of participation of the police and social workers are useless.^{xliii}

33. In the direction of social policy, the development of the field of social work is acute in the country. This is manifested in such factors as large volume of work of social workers and inappropriate payment; quantitative reduction of social workers; busy work schedule; compulsory overtime work without payment; working in the conditions of infrastructure unsuitable for labour; and the lack of appropriate policies for the professional empowerment of social workers.^{xliv}

34. In the face of a malfunction in the social protection system and crisis in the child care system, when one in five children lives in a household where their basic needs are not met,^{xlv} the state still fails to prevent the abandonment of children in large, often unlicensed institutions.^{xlvi} Until today, around 80 children with special needs are living in a large orphanage. Concerning the completion of the process of deinstitutionalization, the main problem is connected to the Patriarchate of the Orthodox church, daily boarding houses for minors under Muslim confession and the orphanages of local self-government bodies (38 institutions), which once again increases the risk of systematic violations of the rights of about 900 children living there. Children also live in boarding schools, which are under the Ministry of Education, Science, Culture and Sports of Georgia. Enrollment of students in these institutions is often due to the poverty of families and poor living standards. At the same time, the service standard and effective monitoring mechanism of the boarding schools have not been developed yet.^{xlvii}

Recommendations

Social protection strategy for children should be created, that will focus on overcoming child poverty and strengthening families, including in the case of municipalities.

The number of service providers and funding for children living and working on the streets should be increased.

An effective referral mechanism that focuses on identifying and responding effectively to child labour should be created.
Number of social workers should be increased and systemic reforms should be implemented to improve their working conditions.
All large-scale establishments that meet the license conditions should be instantly licensed by the end of 2020.
In all licensed institutions, after assessing the needs, where it is clear that child cannot return to the biological family, in the best interests of the child, these children should be instantly placed in the services that are close to the family environment.

4.2 Early Childhood Education

35. The rate of involvement in preschools in Georgia at an early age is still very low. This figure is even lower for the most vulnerable children.^{xlviii} Children with disabilities face significant challenges in terms of full inclusion and participation in kindergarten. The problem is to study the needs of inclusive preschool education thoroughly, to mobilize appropriate financial resources, the access to infrastructure/learning resources, to involve in pre-school education staff that supports inclusion and to train existing workers.^{xlix}

36. Developmental and educational resources are scarce in preschools. In some cases, the responsibility for bringing such resources lies with the parents; sometimes the caregiver purchases them with her money.ⁱ The issue of adapting kindergartens to state standards of sanitation and hygiene remains a challenge.ⁱⁱ There are cases when preschools refuse to provide services to children because they are unable to offer services of relevant specialists.ⁱⁱⁱ The issue of teaching the state language in pre-school institutions of the regions populated by national minorities, preparing bilingual/multilingual teachers and providing these institutions with relevant educational and methodological programs remains an unresolved problem. None of the municipalities has taken the step so far to attract and enroll gipsy children in kindergartens and school readiness centers.^{liii}

Recommendations

The number of preschools throughout Georgia should be increased.
Funding for preschools should be increased to provide access to infrastructure and educational resources; to comply with sanitation and hygiene standards, taking into account the needs of children with disabilities.
An effective continuous training mechanism for pre-school education staff should be introduced.
A bilingual/multilingual teaching mechanism should be developed and introduced in pre-school institutions; These institutions should be provided with appropriate resources and qualified staff.
A state mechanism should be developed and implemented to ensure the inclusion of gipsy children in early education.

4.3 General Education

37. There are many challenges in Georgia in terms of protecting the right of children to general education.^{liv} Georgia faces substantial challenges in terms of access to water and sanitation. Situation is especially problematic in education institutions.^{lv} Consequently, the risk of infringement of the rights of the child by the parent is high, especially in cases of early marriage.^{lvi} There is a significant difference between the rates of involvement in general education according to ethnicity.^{lvii} The introduction of appropriate mechanisms for managing students' difficult behavior, hiring inclusive education specialists and their proper remuneration remains a challenge in schools.^{lviii}

38. The old and damaged infrastructure of schools remains one of the most important issues at the level of general education, which mostly cannot meet the accessibility standard for persons with disabilities.^{lix} Accessibility of internal infrastructure in schools is particularly problematic.^{lx} The use of adapted educational materials, assistive resources and textbooks in the education process remains a problem. Concerning resource rooms, which is one of the tools for inclusive education in the country, it is problematic to equip them with auxiliary technological materials, an insufficient amount of relevant developmental materials. Most of the schools do not have a schedule for working in the resource room with students with special needs; which is why the work is unplanned, which hinders the learning process. Funding allocated for inclusive education is not enough to satisfy the complex needs of students with special educational needs or to hire inclusive education specialists.^{lxi} The issue of providing psychologists and assistants to students with special educational needs is also a special challenge.^{lxii}

39. In terms of access to general education, one of the most vulnerable groups are children from ethnic minorities.^{lxiii} The perfect realization of the right to education remains a problem at all levels of teaching: Scarcity of educational resources, quality of textbooks, problems with teacher training. The issue of teaching the state language is characterized by special severity.^{lxiv}

Recommendations

Promote the improvement of water supply system and water quality in schools and pre-schools.
Change the funding mechanism so that to satisfy the complex needs of children with special educational needs, including by considering the issues related to access to infrastructure/educational materials and employment of all necessary inclusive education specialists.
Approve a standard for the arrangement of resource-rooms on the basis of relevant basic principles and requirements.
Carry out more frequent external monitoring and Monitor the implementation of recommendations issued as a result of external monitoring.
A methodology for producing unified school dropout statistics should be developed and implemented.
Children with ethnic minorities should be provided with educational resources and quality textbooks; the quality of teaching them the state language should be increased.

4.4. Health Care

40. Most of the villages do not have local outpatient clinics, which poses many problems for the realization of children's right to health.^{lxv} Particularly problematic is the protection of the right to health of children living in state care, which is associated with insufficient financial resources. Among them, the lack of psychologists and psychiatrists remains a problem.^{lxvi} In recent years, there has been an increase in cases of juvenile suicide and attempted suicide in Georgia. The strategy for child suicide prevention has not yet been developed.^{lxvii}

Recommendations

Outpatient clinics should be set up in all populated areas.
Funding should be increased for children in state care to protect their health, including mental health.
Psychological assistance and rehabilitation services for children victims of violence should be created.
A strategy for child suicide prevention should be developed.

4.5 Rehabilitation

41. The challenge is still the beneficiary queues for child rehabilitation and early development sub-programs and the quality of services provided by individual sub-programs. From within the state program, most of the targeted services for the needs of children with disabilities do not fully cover the regions and the requirements across the country.

42. In the corresponding components of the state program of social rehabilitation and childcare, until today, it has not been ensured that children with complex behaviors and mental health problems are considered as a target group and provided with the services they need.^{lxviii}

Recommendations

The geographical area, funding and quality of children's rehabilitation services should be increased.
Appropriate services for children with complex behavioral and mental health problems should be established and implemented.

Issue 5. Reproductive and Sexual Health of Women with Disabilities

43. Women with disabilities, including mental health-related disabilities, do not have access to disability-sensitive health, including reproductive and sexual health services. Women with physical disabilities cannot access gynecological services, as gynecological wards are not adapted for wheelchair users and they also lack access to information about reproductive health and rights. Doctors also advise women with

disabilities not to have children, as they are not “physically fit” for pregnancy^{lxix}. Health rights of women with mental health problems at psychiatric and state care institutions constitutes one of the most important and so far unsolved challenges. They do not assess the conditions of sexual and reproductive health of the woman prior to the treatment with psychotropic medications and do not monitor her during the treatment. Women with mental health problems are not included in the State Early Detection Screening Program (except for hepatitis C screening)^{lxxx}.

Recommendations

Train healthcare professionals and conduct awareness-raising campaigns in order to combat discrimination against people with disabilities.
Adapt medical facilities, gynecological examination rooms and gynecological chairs for women using wheelchairs and train gynecologists on the specifics of reproductive health service provision for women using wheelchairs.
Take into account the quality of psychotropic medicines in relation to reproductive health during consolidating purchases.
Ensure involvement of patients/beneficiaries of mental health and state care institutions in the screening programs of cancer and sexually transmitted diseases.

ⁱ For example, See, Annex (1-4).

ⁱⁱ The mid-term reports are available at: https://emc.org.ge/uploads/products/pdf/1_1530610232.pdf; https://emc.org.ge/uploads/products/pdf/4_1530610413.pdf.

ⁱⁱⁱ Portugal (116.1), Spain (116.2), Uruguay (116.3), Honduras (116.4), Egypt (117.2), Indonesia (117.3), Mexico (117.4).

^{iv} Sierra Leone (116.23).

^v The relevant information is available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168049288a&format=pdf>.

^{vi} Homelessness – Analysis of State Policies, Human Rights Education and Monitoring Center (EMC), 2016, available at: <https://emc.org.ge/uploads/products/pdf/Homelessness.pdf>; The Right to Adequate Housing – the Analysis of Basic Challenges, Human Rights Education and Monitoring Center (EMC), 2018, available at: https://emc.org.ge/uploads/products/pdf/Housing_Eng_WEB_1542897567.pdf.

^{vii} Constitution of Georgia, Article 5(4), available at: <https://matsne.gov.ge/en/document/view/30346?publication=35>.

^{viii} The Law of Georgia on Social Assistance, Article 4(p), available at: <https://matsne.gov.ge/en/document/view/23098?publication=9>.

^{ix} Homelessness – Analysis of State Policies, Human Rights Education and Monitoring Center (EMC), 2016, p. 32-34; available at: <https://emc.org.ge/uploads/products/pdf/Homelessness.pdf>.

^x According to the official website of the LEPL – Legislative Herald of Georgia, the following municipalities have approved a methodology for the registration of homeless persons: Sagarejo, Kutaisi, Senaki, Samtredia, Tetritskaro, Gori, Zugdidi, Rustavi, Vani, Tbilisi, Ambrolauri, Kharagauli and Mestia. Additionally, the Public Defender of Georgia points out that only 10 municipalities have regulated issues related to the homelessness, 26 municipalities have partially regulated these issues, while in 19 municipalities the issues are completely unregulated; see, Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2019, p. 228; available at: <http://www.ombudsman.ge/res/docs/2020070407523954521.pdf>.

^{xi} Institutional Framework and Separation of Powers between the Different Levels of Government in the Field of Combating Homelessness, Human Rights Education and Monitoring Center (EMC), 2020, p. 22, available at:

<https://emc.org.ge/ka/products/institutsiuri-charcho-da-khelisuflebis-doneebs-shoris-uflebamosilebebis-gadanatsileba-usakhlkarobastan-brdzolis-sferoshi>.

^{xii} <https://constcourt.ge/ka/judicial-acts?legal=1650>.

^{xiii} July 9, 2014 Ordinance of the Government of Georgia N 445 “on Approving the 2014-2015 Human Rights Action Plan; Establishing the Interagency Coordinating Council for the 2014-2015 Human Rights Action Plan and Approving its Statute”; Annex N 1 – The Human Rights Action Plan of Georgia (2014-2015); July 21, 2016 Ordinance of the Government of Georgia N 338 “on Approving the 2016-2017 Human Rights Action Plan of Georgia”, The Human Rights Action Plan of Georgia (2016-2017); April 17, 2018 Ordinance of the Government of Georgia N 182 “on Approving the 2018-2020 Human Rights Action Plan”, Annex N 1 – The 2018-2020 Human Rights Action Plan.

^{xiv} The Action Plan is available at: <https://matsne.gov.ge/ka/document/view/4364776?publication=0>.

^{xv} See, Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2019, p. 227-228; available at: <http://www.ombudsman.ge/res/docs/2020070407523954521.pdf>.

^{xvi} Institutional Framework and Separation of Powers between the Different Levels of Government in the Field of Combating Homelessness, Human Rights Education and Monitoring Center (EMC), 2020, p. 19-21, available at: <https://emc.org.ge/ka/products/institutsiuri-charcho-da-khelisuflebis-doneebs-shoris-uflebamosilebebis-gadanatsileba-usakhlkarobastan-brdzolis-sferoshi>.

^{xvii} The Law of Georgia on Social Assistance, Article 16, available at: <https://matsne.gov.ge/en/document/view/23098?publication=9>.

^{xviii} Municipalities of Tbilisi, Samtredia and Signaghi.

^{xix} Institutional Framework and Separation of Powers between the Different Levels of Government in the Field of Combating Homelessness, Human Rights Education and Monitoring Center (EMC), 2020, p. 21-23, available at: <https://emc.org.ge/ka/products/institutsiuri-charcho-da-khelisuflebis-doneebs-shoris-uflebamosilebebis-gadanatsileba-usakhlkarobastan-brdzolis-sferoshi>.

^{xx} Municipal Housing in Georgia, Open Society Georgian Foundation (OSGF), 2019, available at: <https://osgf.ge/en/publication/29125/>.

^{xxi} The Right to Adequate Housing – the Analysis of Basic Challenges, Human Rights Education and Monitoring Center (EMC), 2018, p. 72-83; available at: https://emc.org.ge/uploads/products/pdf/Housing_Eng_WEB_1542897567.pdf.

^{xxii} The Right to Adequate Housing – the Analysis of Basic Challenges, Human Rights Education and Monitoring Center (EMC), 2018, p. 72-83; available at: https://emc.org.ge/uploads/products/pdf/Housing_Eng_WEB_1542897567.pdf.

^{xxiii} See, Public Statement “EMC Assesses situation with regard to the protection against eviction in the country”, available at: <https://emc.org.ge/ka/products/emc-gamosakhlebisgan-datsvis-sferoshi-kveqanashi-arsebul-vitarebas-afasebs>.

^{xxiv} The Right to Adequate Housing – the Analysis of Basic Challenges, Human Rights Education and Monitoring Center (EMC), 2018, p. 115-131; available at: https://emc.org.ge/uploads/products/pdf/Housing_Eng_WEB_1542897567.pdf.

^{xxv} Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2019, p. 278; available at: <http://www.ombudsman.ge/res/docs/2020070407523954521.pdf>.

^{xxvi} The Draft Law and respective legislative package are available at: <https://info.parliament.ge/#law-drafting/19685>.

^{xxvii} Amendments to the Organic Law of Georgia “On the Labor Code of Georgia,” June 13, 2013. Available at: <https://matsne.gov.ge/en/document/view/1951529?publication=0>.

^{xxviii} Recommendation 118.39 issued by Germany, and supported by the Georgia. Available at: https://www.upr-info.org/sites/default/files/document/georgia/session_23_-_november_2015/recommendations_and_pledges_georgia_2016.pdf.

^{xxix} Human Rights Watch documented that coal and manganese mining practices of imposing quotas, and wage deductions for failure to meet quotas, have the effect of incentivizing workers and supervisors to compromise worker safety. A new system of manganese mining, implemented in 2016, further exacerbates safety concerns. The system introduced 12-hour shifts, including at night, over 15 consecutive days, with no days off or formal breaks during shifts. It currently affects 380 manganese workers and imposes an obligation to reside in employer provided accommodation where workers are provided with poor quality food of insufficient calorific value and endure restrictions on their freedom of movement. The report highlights other practices that violate workers’ rights. These include long hours and no weekly rest, nonpayment of overtime hours, failure to provide copies of written contracts, and management’s deduction from wages. Available at: https://www.hrw.org/sites/default/files/report_pdf/georgia0819_web.pdf.

^{xxx} Recommendation N 117.12 Strengthen existing law and practice to combat gender-based discrimination and sexual harassment, inter alia, with regard to labor (Poland); Georgia Supported this recommendation. Available at: https://www.upr-info.org/sites/default/files/document/georgia/session_23_-_november_2015/recommendations_and_pledges_georgia_2016.pdf.

^{xxxi} Amendments to the Organic Law of Georgia “On Labor Code of Georgia,” February 19, 2019. Available at: <https://matsne.gov.ge/en/document/view/4485899?publication=0>.

^{xxxii} <https://matsne.gov.ge/ka/document/view/4548377?publication=0>.

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- xxxiii GYLA'S ASSESSMENT OF WOMEN'S RIGHTS. 2020, available at: <https://gyla.ge/en/post/saia-s-shefaseba-qalta-uflebrivimdgomareobis-shesakheb#sthash.4bXj5WJ3.dpbs>.
- xxxiv GYLA'S OPINION REGARDING THE DRAFT LABOR LAW. Available at: <https://gyla.ge/en/post/saias-shenishvnebi-shromiskodeqsis-proeqttan-dakavshirebit#sthash.aL5TO3fK.dpbs>.
- xxxv Article 19 of the Decree N473 of 14 September 2018 issued by the Government of Georgia "On Approval of the Regulation of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia;" Available at: <https://matsne.gov.ge/ka/document/view/4325651?publication=0>.
- xxxvi The program budget in 2015 accounted for GEL 721500 (Program Code 35 05), in 2016 it increased to GEL 2190000 (Program Code 35 05), in 2017 it was GEL 2455600 (Program Code 35 05) Available at: (<https://matsne.gov.ge/document/view/3495562?publication=2>), in 2018 it increased up to GEL 3287100 (Program Code 27 05), in 2019 it increased to GEL 4290000 (Program Code 27 05), and in 2020 it amounted to GEL 6000000 (Program Code 27 05), Available at: (<https://matsne.gov.ge/document/view/4734727?publication=0>).
- xxxvii Recommendation 118.39 issued by Germany, accepted by the State; Available at: https://www.upr-info.org/sites/default/files/document/georgia/session_23_-_november_2015/recommendations_and_pledges_georgia_2016.pdf.
- xxxviii The Organic Law of Georgia on Occupational Health and Safety. Available at: <https://matsne.gov.ge/document/view/4486188?publication=0>.
- xxxix The initiators of the Labor Code reform held the 4th public meeting with the parties concerned to discuss enforcement of the Labor Code and legal mechanisms of labor inspection activity. Available at: <https://bit.ly/3aM4mDy>.
- xl Several working meetings were held at the initiative of the Parliament on the amendments to the labor legislation, during which a draft law was presented prepared by an expert of the International Labor Organization. Several meetings were held with the participation of employers, employees, representatives of trade unions, the public and the civil sector. Available at: <https://bit.ly/2TK18Ld>; <https://bit.ly/2xyeOAt>.
- xli In 2019 there were 150,065 juveniles in 70,792 families receiving subsistence assistance - The Situation of Human Rights and Freedoms in Georgia, Public Defender of Georgia, 2019, <http://www.ombudsman.ge/res/docs/2019042620571319466.pdf>.
- xlii In 2019, 18.4% of children were placed in state care based on poverty and inadequate living standards, 5.2% as a result of abandonment from their parents, and 1.6% due to health problems. The Situation of Human Rights and Freedoms in Georgia, Public Defender of Georgia, 2019, <http://www.ombudsman.ge/res/docs/2019042620571319466.pdf>.
- xliiii The Situation of Human Rights and Freedoms in Georgia, Public Defender of Georgia, 2019, <http://www.ombudsman.ge/res/docs/2019042620571319466.pdf>.
- xliiv Labor Conditions and Challenges of Social Workers of the Social Service Agency, Human Rights Education and Monitoring Center, 2017, <https://bit.ly/2YxnKBe>.
- xlv The wellbeing of Children and their Families in Georgia – Fifth State, UNICEF Georgia, 2018, <https://www.unicef.org/georgia/reports/wellbeing-children-and-their-families-georgia-fifth-stage-2017>.
- xlvi Ukraine (117.90).
- xlvii Joint staff working document, Association Implementation Report on Georgia, 2020.
- xlviii The engagement rate is 69.5%. Enrollment rates are 33% for children of ethnic minorities, 39.7% for socially vulnerable children and 46.8% for rural areas.
- xlix According to data from 57 municipalities, 44% of educators are unqualified. 50% of principals do not have an education related to early childhood education and upbringing. Most of the staff of preschools have not been trained in the last ten years.
- ^l Study on Quality of Early Childhood Education and Care in Georgia, UNICEF Georgia, 2018, <https://www.unicef.org/georgia/reports/study-quality-early-childhood-education-and-care-georgia>.
- ^{li} The Situation of Human Rights and Freedoms in Georgia, Public Defender of Georgia, 2019, <http://www.ombudsman.ge/res/docs/2019042620571319466.pdf>.
- ^{lii} Special Report on the Fights against Discrimination, its prevention, and the situation of Equality, Public Defender of Georgia, 2018, <http://www.ombudsman.ge/res/docs/2019042317142950340.pdf>.
- ^{liii} The Situation of Human Rights and Freedoms in Georgia, Public Defender of Georgia, 2019, <http://www.ombudsman.ge/res/docs/2019042620571319466.pdf>.
- ^{liv} See, Oman (117.106) and Singapore (117.109).
- ^{lv} Drinking and technical water is less available in the majority of schools, water facilities and toilets are out of order and there is insanitary situation in some cases. The safety of water has never been monitored in 71.3% of the inspected institutions. Situation in most toilets is anti-sanitary and there is a lack of soap, paper, hand-washing tap, etc. Only 44.4 %of the inspected toilets had soap, 26.9% - hand paper, 25.9% - flushing system. Access to water and sanitation in Public schools of Georgia, Special Report, Public Defender of Georgia, 2018, <http://www.ombudsman.ge/res/docs/2019052414124338815.pdf>.
- ^{lvi} The Situation of Human Rights and Freedoms in Georgia, Public Defender of Georgia, 2019, <http://www.ombudsman.ge/res/docs/2019042620571319466.pdf>.

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- ^{lvi} The raw score of engagement rate for secondary education is 72% for ethnic Azerbaijani students and 90% for ethnic Georgian students.
- ^{lvii} The Situation of Human Rights and Freedoms in Georgia, Public Defender of Georgia, 2019, <http://www.ombudsman.ge/res/docs/2019042620571319466.pdf>.
- ^{lix} Only 120 out of 2084 public school buildings are fully adapted and 690 are only partially adapted.
- ^{lx} None of the schools, except one, has an elevator, which makes it impossible for children with mobility impairment to move independently. Consequently, classrooms for wheelchair users are located on the ground floor, while other rooms, including a library, cannot be accessed by these students. In some schools, none of the toilets are adapted for children with disabilities.
- ^{lxi} including: occupational therapist, language and speech specialist, sign language translator, sign language specialist, assistant to a person with special educational needs, mobility and orientation specialist.
- ^{lxii} Inclusive Education in Pilot Public Schools Monitoring Report, Public Defender of Georgia, 2019, <http://www.ombudsman.ge/res/docs/2019062019103121729.pdf>.
- ^{lxiii} See, Portugal (118.45), China (117.107), the former Yugoslav Republic of Macedonia (117.115) and Nigeria (117.108).
- ^{lxiv} The Situation of Human Rights and Freedoms in Georgia, Public Defender of Georgia, 2019, <http://www.ombudsman.ge/res/docs/2019042620571319466.pdf>.
- ^{lxv} The Situation of Human Rights and Freedoms in Georgia, Public Defender of Georgia, 2019, <http://www.ombudsman.ge/res/docs/2019042620571319466.pdf>.
- ^{lxvi} Monitoring of Child Care System – Effectiveness of Alternative Care Special report, Public Defender of Georgia, 2019, <http://www.ombudsman.ge/res/docs/2019051414365614815.pdf>.
- ^{lxvii} Monitoring of Child Care System – Effectiveness of Alternative Care Special report, Public Defender of Georgia, 2019, <http://www.ombudsman.ge/res/docs/2019051414365614815.pdf>.
- ^{lxviii} The Situation of Human Rights and Freedoms in Georgia, Public Defender of Georgia, 2019, <http://www.ombudsman.ge/res/docs/2019042620571319466.pdf>.
- ^{lxix} Human Rights in the Context of Sexual and Reproductive Health and Well-being in Georgia: Country Assessment, Public Defender office of Georgia, 2017, <https://sites.google.com/view/geoombudsman2/reports/special-reports/gender-department>.
- ^{lxx} Protection of Women's Sexual and Reproductive Health and Rights in Psychiatric and State Care Institutions, Public Defender of Georgia, 2020, <http://www.ombudsman.ge/res/docs/2020051120233280003.pdf>.