



საქართველოს სახალხო დამცველი  
Public Defender of Georgia

**The research papers “Implementation of the Rights of IDP Women with Disabilities” and “Legislation Analysis in the Context of the Rights of Women with Disabilities” (small-scale research) conducted within the Public Defender's support component under the UN Joint Program “To Enhance Gender Equality in Georgia”**

## **I. Implementation of the Rights of IDP Women with Disabilities**

The research paper **“Implementation of the Rights of IDP Women with Disabilities”** describes the results of the survey conducted by the Center for Persons with Disabilities of the Public Defender’s Office (PDO).

The purpose of the survey is to identify the problems in terms of the implementation of the rights (adequate living conditions, access to the durable housing, health care, education and employment during the implementation of the National Strategy on IDPs) of Internally Displaced Women (girls) with Disabilities. In addition, it aims to submit the relevant recommendations to the state authorities within the framework of the Public Defender’s mandate.

The following cities and municipalities were selected for the survey: Gori, Poti, Telavi, Tskaltubo and Zugdidi.

On the basis of the analysis of the obtained information it can be said that a lot of problems still exist relating to the rights of internally displaced women with disabilities.

The rights of the vast majority of the persons with disabilities (PwD), participating in the survey, to the adequate living conditions, access to the long-lasting housing, health care, education and employment during the implementation of the National Strategy on IDPs, are still unrealized. This situation hampers these persons to be fully integrated in society. Most of the refugees have no information on their housing security, collective centers for rehabilitation, reconstruction and construction standards, the privatization of accommodations and etc. They are not familiar with the relevant legislation.

Newly constructed apartment buildings do not meet the needs of persons with disabilities, the buildings do not have ramps, lifts and internal infrastructure is not installed.

Visits to the IDP settlements verified that most of the refugees have to live in inadequate housing conditions. Settlements are not supplied with potable water, in the buildings do not exist and/or are damaged toilets and bathrooms (bath, laundry, bathrooms, etc.), none of the compact settlements has hot water, drinking water is often yards away.

Living spaces for the most part are not protected during bad weather. Specially designed vehicles are inaccessible to PwDs. A large part of the displaced persons with disabilities are not provided with the necessary food products. In addition to accommodation problems, they do not have access to medical services, inclusive education, transport and so on.

Despite the fact that most of the displaced persons with disabilities have the right to take advantage of a variety of state health insurance packages (socially disadvantaged, the disabled person's status, general insurance), they do not have access to health care services. As mentioned, one of the reasons is that they do not have information about what kind of services are available within the existing medical insurance. Another problem is also the availability of the needed medicines. The main income for the majority of the refugees is only the state social package or refugee assistance. Consequently, the essential medicines are not affordable to them, which further worsen their health conditions.

The survey has proved that the realization of the right to education of internally displaced children with disabilities is not being pursued. Most of them are not involved in the process of inclusive education. There are number of reasons that form the basis of the problem: there are no institutions providing inclusive education in the most part of the regions, there are no adapted vehicles that children with disabilities, infrastructure in educational institutions does not meet the needs of disabled people, people with eyesight and hearing disabilities don't have essential specialized textbooks (Braille, audio - material).

Serious problems have been identified in terms of vocational training and employment. Refugee women, including persons with disabilities often have a job, which is contraindicated to their health, they do not receive adequate compensation for work done (work from morning till evening at greenhouses), in addition, some jobs are degrading and humiliating (landfill waste and scrap collection).

The study clearly revealed the indifferent attitude towards the disabled IDPs from the Ministry of Internally Displaced Persons from the Occupied Territories, Settlement and Refugees of Georgia. According to correspondence received from the Ministry, the state authority does not run records of how many persons with disabilities got new places to live, and how many housing rehabilitation of the disabled person's accommodations have been carried out.

The main recognized problems still remain the same: lack of material resources among IDPs; lack of land and other real estate ownership; high unemployment among IDPs; economic activity's low rate in refugee densely populated areas; poor and in many cases unsafe housing conditions; lack of access to quality health care and education.

Despite the existence of international and national legal instruments, the quality of the implementation of the rights of disabled internally displaced persons (women, girls) remains low.

## **II. “Legislation Analysis in the Context of the Rights of Women with Disabilities”**

The research aims to analyze the national legislation in terms of the protection of the rights (employment, education, health, family relations, child adoption procedures) of women (girls) with disabilities.

The following legislation has been analyzed:

- The Constitution of Georgia
- Labor Code of Georgia
- Public Service Law
- Law on General Education
- The Law on Higher Education
- Health Care Law
- The Civil Code (related articles)
- Adoption and Foster Care Law

### **1. *The Constitution of Georgia***

According to Article 14 of the Constitution, every person is born free and equal regardless of race, color, language, sex, religion, political or other opinion, national, ethnic or social origin, property or social status, place of residence. The constitutionally adopted provision prohibiting discrimination of shall apply equally with respect to all the rights (norms).

### **2. *Organic Law of Georgia “Labor Code”***

In accordance with Article 2, paragraph 3 during the probation or employment relations any form of discrimination is prohibited based on race, skin color, language, ethnic or social origin , nationality, origin, property and title , place of residence , age, sex, sexual orientation , limited abilities, religious , social, political or any other union, including professional union, affiliation, marital status, political or other opinion. As we see the Labor Code envisages the prohibition of discrimination on basis of disability.

### **3. *Public Service Law***

It should be noted that the Law "on Public Service", does not properly regulate labor rights of women employed in state institutions. There is no general provision in the law prohibiting discrimination as well. As for the employment of persons with disabilities, it still remains an unsolved problem. There is no official statistics on how many disabled people are employed in the private and public sectors in Georgia. There have been cases when a private employer had dismissed the persons with disabilities.

### **4. *Law on General Education***

According to Article 9 of the law, everyone has an equal right to receive complete general education, in order to fully develop their personality and to acquire the knowledge and skills that are essential for the success of equal opportunities for private and public life. The law obliges an educational institution to impose benefits for their disabled children in order to create the necessary conditions for learning and growing (Article 33).

### **5. *The Law on Higher Education***

Higher education institution is obliged to care for the learning conditions for students with disabilities (Article 3, paragraph 3, "d"). Despite the existing norms in legislative acts and regulations, however, the

realization of the right to education for persons with disabilities, especially in rural areas is not properly implemented.

#### **6. *Law on Health Care***

According to Article 6 of the law, the patient cannot be discriminated based on race, color, language, sex, religion, political or other opinion, national, ethnic or social origin, property and title, place of residence, disease, sexual orientation or negative personal attitude.

#### **7. *Civil Code (Marriage)***

Article 1120, clause “e”: “Marriage is not allowed between persons at least one of whom is declared disabled by court due to mental illness or dementia.”

#### **8. *Law on Adoption and Foster Care***

Article 5 sets out who can be a foster parent, also who does not have the right to adopt a child. Ministry of Healthcare approves a list of diseases/health conditions that prevent child caring. According to the list of diseases, most persons with disabilities are actually deprived of the right to be a parents or potential parents.