



SITUATION ANALYSIS ON THE
RIGHTS OF PERSONS WITH
DISABILITIES IN GEORGIA

2021



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ABBREVIATIONS

OPDs – Organisations of Persons with Disabilities

CRPD – Convention on the Rights of Persons with Disabilities

NGO – Non-Govern Organisation

PWDs – Persons with disabilities

UNDP – United Nations Development Progra

UNFPA – United Nations Population Fund

UNICEF – United Nations Children’s Emergency Fund

OHCHR – Office of the United Nations High Commissioner for Human Rig

UNHCR - United Nations High Commissioner for Refugees

PRPD – UN Partnership on the Rights of Persons with Disabilities

USAID – United States Agency for International Development

SDGs – Sustainable Development Goals

NDI – National Democratic Institute

EXECUTIVE SUMMARY

Georgia, as many other former Soviet republics across the Eastern Europe and Central Asia Region, has inherited the Soviet practices of institutionalisation and exclusion of PWDs. Effective supportive mechanisms have either been unavailable or tied to particular living arrangements and community infrastructure has not been universally designed.

In 2013, Georgia ratified CRPD, which officially entered into force on 12 April 2014. By ratifying CRPD the Government of Georgia undertook a legal obligation to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities.

This document is a situational analysis on the rights of PWDs in Georgia, describing the main bottlenecks in relation to the fulfilment of CRPD. Based on the Human Rights Approach, it aims to support the Government of Georgia to deliver on its commitments under CRPD and to prompt future PRPD programming in the country.

Findings in this report are based on extensive desk review and more than 30 key informant interviews and focus group discussions conducted throughout May-July 2021 with government representatives, international organizations, NGOs and OPDs in Georgia.

Since the CRPD ratification, Georgia's legal and policy environments have been gradually improving. Adoption of the Law on the Rights of Persons with Disabilities in 2020 was a positive step for protecting and ensuring the rights of PWD's and their well-being. Georgia also introduced supportive mechanisms for the inclusion of PWD's into society, started the process of moving towards a social model of disability, be-

gan deinstitutionalisation and provided social assistance and healthcare programmes. OPDs freely operate in Georgia and have forged close partnerships with larger civil society and international organizations.

Despite these changes, little has improved in daily lives of many PWDs in Georgia who remain one of the most marginalised groups in the country. PWDs lack access to education, employment and health. Women and girls with disabilities face additional stigma and prejudice.

The disability assessment system has not yet moved away from the medical model and still largely disregards individual functioning and environmental factors that undermine the well-being of PWDs. Georgia still cannot offer appropriate disability services and relevant social benefits as insufficient financial resources result in insufficient quantities and qualities of state programmes. Appropriate services, when they exist, lack geographic coverage and fail to equally include all groups within PWDs: those with and intellectual and psychosocial disabilities and PWDs outside the capital are receiving the least support.

Accessibility remains a key challenge despite reforms to introduce regulations and standards to ensure universal design. Most of the public and private infrastructure and services are still not accessible and Georgian PWDs continue face physical and sensory obstacles in all aspects of their lives.

The progress in addressing these challenges is slow because disability related policy development and implementation in Georgia often stems from uncoordinated efforts of different

governmental agencies without adequate participation of OPDs and PWDs, and without access to the relevant data and evidence.

While Georgia designated the Public Defender's Office as the mechanism to monitor the CRPD implementation, it still has not created coordination and implementation bodies. The involvement of PWDs and OPDs in decision-making process or policy development remains a challenge and, in many cases, such involvement is of a formal nature. Georgia lacks disaggregated data on the needs of PWDs. Disability budget allocation, while increasing, is not result-based and lacks consistency and coherence.

There is an urgent need for effective national policies and concrete plans of action to ensure and promote the full realization of human rights for PWDs in Georgia. The Georgian authorities must improve coordination and implementa-

tion of CRPD by establishing new structures and address shortcomings in the existing processes. The authorities must increase the involvement of PWDs and OPDs in decision-making processes and conduct needs assessment and collect disaggregated data to identify real needs of PWDs. This way, Georgia can improve, elaborate and implement relevant disability policies and support services. Georgia must also improve accessibility by increasing funding and implementing robust and comprehensive monitoring, reporting and evaluation systems for accessibility projects.

I. INTRODUCTION

The present document is a situational analysis on the rights of PWDs in Georgia conducted with the aim to support Georgia to deliver on its commitments under CRPD. It aims to serve as a baseline for future PRPD programmes in Georgia and informs the UN country team of existing gaps in disability inclusion. The document can also be used as an advocacy tool by OPDs and other national and international civil society partners.

The report describes main bottlenecks in relation to the fulfilment of CRPD in Georgia. It is structured around key pre-conditions for disability inclusion: stakeholders, their capacities and coordination and implementation mechanisms; equality and non-discrimination and legal context; accessibility; inclusive service delivery; CRPD compliant budgeting and financial management; accountability and governance; as well as the level of participation of PWDs and OPDs in decision-making processes.

The document analyses the findings and shows critical gaps of disability policy and practise in Georgia. Based on the analysis it then offers a set of recommendations directed towards the Georgian authorities.

Given the ongoing impact of COVID-19, in particular on PWDs, and the potential use of the analysis to support broader UN and country recovery planning and implementation, COVID-19 context was analysed where relevant.

Government representatives, NGOs and larger civil society and international organisations all contributed to this analysis by providing information and data. OPDs in particular must be recognised for their participation in the process. They remain pivotal to gaining a nuanced understanding of the rights of PWDs within the national context and can provide unique insights and expertise.

Some information and data available in Georgia is incomplete or insufficient to answer the full range of analytical questions and topics covered in this report. This analysis provides a general review of the situation of PWDs in Georgia and offers enough information to identify which issues and areas require further analysis, investment and effort.

Background on Disability in Georgia

Georgia lacks comprehensive statistics on the number of PWDs living in the country. The 2014 census, where the total number of PWDs was registered, but only on the basis of self-identification, showed that there were 100,113 registered PWDs in Georgia. The Social Service Agency registered 125,104 PWDs receiving social package (cash entitlement for PwDs with the determined PwD status) as of 2017 ¹ and 128,285 in 2021. ² A more realistic number might be 558,000, that is if we take around 15% of the country's population since around that many globally are estimated to have some form of disability.³

When it comes to disability rights, Georgia has inherited Soviet practices of institutionalisation and exclusion. Effective supportive mechanisms have either been unavailable or tied to particular living arrangements and community infrastructure has not been universally designed. This has led to abandonment, dependence on family, institutionalisation, isolation and segregation of PWDs.

Soon after Georgia's independence from the Soviet Union, local NGOs and OPDs were established, and international donors started to fund disability services and advocacy groups. However, little progress was achieved as Georgia was mostly in political and economic turmoil in the years after its independence. PWDs, like other marginalised groups in the country, remained largely abandoned by the authorities and stigmatized by the society.⁴

In 2013 Georgia ratified CRPD, which officially entered into force on 12 April 2014. The process of ratification of the CRPD Optional Protocol was completed on March 5, 2021. By ratifying the Convention and the Optional Protocol, Georgia has expressed its willingness to base its policy on a new paradigm for the perception of disability and to ensure that the rights of PWDs are protected to the best of the standards set by the Convention.

Based on its obligations under CRPD, in 2020 the Parliament of Georgia adopted the Law on the Rights of Persons with Disabilities – the first comprehensive legislation on the rights of PWDs in the country. The law is a milestone for PWD rights in Georgia and creates a solid legal framework for elaboration and implementation of disability policy and practise.

1 Institute for Development of Freedom of Information, Data Analysis on PWDs living in Georgia, available at <https://bit.ly/2TXPLIN>

2 Social Service Agency data available at http://ssa.gov.ge/index.php?lang_id=&sec_id=1535

3 Department of Economic and Social Affairs, UN, available at <https://bit.ly/3s2MJJB>

4 Disability Rights International, The Exclusion of Children and Adults with Disabilities from Reform and Rights Protection in the Republic of Georgia, 2013, available at <https://bit.ly/3AwBH2z>

II. METHODOLOGY

Findings of the present report are based on extensive desk review and more than 30 key informant interviews and focus group discussions, including with members and staff of OPDs conducted throughout May-July 2021.

The desk review comprised formal and non-formal data and sources of information. This included international policy documents and practices, reports and statements of the Georgian government and public agencies, local NGOs and OPDs. Official statistics related to PWDs from the National Statistics Office of Georgia and other agencies were also referenced and analysed. Key informant interviews and focus groups discussions were used to corroborate secondary sources from the desk review.

National and international standards and regulations on PWDs, including the CRPD, the General Comments of the UN Committee on the Rights of Persons with Disabilities and the Georgian human rights legislation were consistently applied to ensure that the present analysis was in line with the Human Rights Based Approach.

Interviews were conducted with key informants, including representatives of various public agencies, such as the Human Rights Secretariat of the Administration of the Government, the Ministry of Justice, the Ministry of IDP's from Occupied Territories, Labour, Health and Social Affairs, the Central Election Commission, the Public Defender's Office and the Permanent Parliamentary Gender Equality Council. International governmental and non-governmental organizations working on the rights of PWDs in Georgia, such as UNDP, UN Women, UN OHCHR, UNFPA and NDI were also interviewed. The meetings were held with the Georgian NGOs active on the rights of PWDs: the Social Justice Center, Partnership for Human Rights, Georgian Young Lawyer's Association, Tanadgoma, Hera XXI and Sapari.

OPDs play a fundamental role in ensuring the nuanced understanding of the challenges that PWDs face. For this reason, information provided by OPDs was crucial in defining key findings of the present analysis. OPDs were also involved in elaborating final recommendations. Several focus group interviews were conducted with members and staff of local OPDs: Accessible Environment for Everyone, the Union of the Deaf of Georgia, the Union Woman and Reality, Georgian Blinds Union, Georgian Down Syndrome Association, Association Socialuri Kolga, the Union Rea, Georgian Association for Rett Syndrome and Rare Diseases, Healthcare Reform and Monitoring Center, Partnership for Equal Rights, National Network of Women with Disabilities, Platform for New Opportunities and Association Dea. Focus group interviews also took place with ethnic minority PWDs from the regions of Kvemo Kartli and Samthkhe-Javakheti. Due to the COVID-19 regulations focus groups were structured in a way to avoid a large number of participants. Alternatively, online meetings were organised

III. STAKEHOLDER AND COORDINATION ANALYSIS

Various stakeholders contribute to the implementation of CRPD in Georgia. These include national and local authorities, OPDs, civil society groups and intergovernmental organisations.

CRPD obliges States Parties to designate one or more focal points to oversee matters relating to the implementation of the Convention and a coordination mechanism within the government to facilitate related action in different sectors and at different levels.⁵ Georgia still has not created the CRPD coordination and implementation mechanisms.

Georgia allows OPDs to freely register and operate. OPDs in Georgia actively cooperate with other civil society groups and intergovernmental organisations. Georgia lacks official data on the number and types of OPDs operating in the country.

Government stakeholders

The Government Administration, various ministries including the Ministry of IDPs from Occupied Territories, Labour, Health and Social Affairs and the Ministry of Education and Science, as well as local governments are involved in disability policy implementation in Georgia. However, relevant policy development and implementation stems from individual, often uncoordinated efforts of different governmental agencies, as Georgia still has not established a body for the CRPD coordination and implementation.

In 2014, the Interagency State Coordination Council working on the issues of PWDs was designated as the agency responsible for the implementation of the Convention in Georgia, and the Human Rights Secretariat of the Government of Georgia was established as the coordination mechanism. The Interagency State Coordination Council was a permanent consultative body of the Government of Georgia in the field of protection of the rights of PWDs with a function to coordinate the implementation of unified state policy in the field.⁶ However, the Council could not have been considered as a body responsible for implementing the Convention, as it did not make decisions on state policy and only performed deliberative function. Georgia's National Human Rights Institution – the Public Defender of Georgia assessed the work of the Council negatively, arguing that the composition, functions and mode of operation of the Coordinating Council did not formally meet the requirements of CRPD.⁷ The Interagency State Coordination Council was abolished in 2015.

⁵ UN Committee on the Rights of Persons with Disabilities, General Comment N7, para. 35

⁶ N231 Decree of the Government of Georgia, 15 December 2009, "On the establishment of State Coordination Council on the issues of persons with disabilities and adoption of its statute"

⁷ Alternative Report of the National Institute of Human Rights - Public Defender (Ombudsman) submitted to the UN Committee on the Rights of Persons with Disabilities, 2017, p. 71

The Human Rights Secretariat continues to function as a coordination unit on human rights policy within the Government Administration, however it does not have a specific role in coordinating state policy on the rights of PWDs.

In 2020, the Administration of the Government of Georgia with the support of UNDP and OHCHR started working on the establishment of the agency responsible for the implementation of the Convention and a coordination mechanism. This process was carried out with the involvement of PWDs and their representative organisations.⁸ According to the draft version of the decree on the establishment of the agency, the national implementation mechanism will be at the Prime Minister's level and will consist of Deputy Ministers of Georgia. The mechanism will work through working groups. The coordination function will be assigned to the Human Rights Secretariat at the Government Administration.⁹

Even though the Law on Rights of Persons with Disabilities envisaged the establishment of the coordination mechanism by 1 January 2021 it has not yet been established as of writing this analysis.

Organisations of Persons with Disabilities

The UN Committee on the Rights of Persons with Disabilities states that OPDs should be able to register and exercise their right to participate and states must provide free and accessible registration systems and facilitate the registration of such organizations.¹⁰

OPDs in Georgia can freely register following the rules and procedures designed for legal entities. However, when registering, there is no indication of whether the organisation is composed of PWDs or not. Therefore, there are no official statistics available on OPDs registered in Georgia.

The Open Society Foundation study of 2019 lists 13 local associations in Georgia which are made up of organisations working on the rights of PWDs.¹¹ However, the study includes civil society organisations working on the issues of PWDs and is not limited to OPDs.

The UN Committee on the Rights of Persons with Disabilities distinguishes between OPDs and other civil society organisations, including research organisations/institutes, service providers, and other private stakeholders. The Committee also notes that all civil society organisations, including OPDs, are involved in monitoring the Convention. However, according to the Committee, when considering matters relating to them, States Parties shall prioritise the views of OPDs.¹² Since OPD status is not granted to organisations in Georgia, it is difficult to study whether the state fulfils the above-mentioned obligation and whether it gives priority to the opinions of OPDs over other NGOs and groups.

8 Interview with the Head of the Human Rights Secretariat, 04.06.2021

9 Interview with the Head of the Human Rights Secretariat, 10.06.2021

10 UN Committee on the Rights of Persons with Disabilities, General Comment N7, para. 44

11 Open Society Foundation, Study of the Civil Society Organisations Working on the Issues of PWDs, 2019, p. 65

12 UN Committee on the Rights of Persons with Disabilities, General Comment N7, para. 14

The lack of official statistics on registered OPDs also complicates analysing whether there is a group of PWDs whose interests are not protected through a representative organisation and are in need of capacity building.

Participation of OPDs in decision-making processes is low in Georgia and remains a consistent challenge. This is separately addressed under Chapter VII on Participation.

Collaboration with civil society

Georgian OPDs are funded by state or international and local organisations. State funding recipients are service providers. Only a small number of OPDs have benefited from state grants.¹³

Many local civil society groups cover the issues of PWDs. NGOs such as Social Justice Center, the Partnership for Human Rights, and the Georgian Young Lawyers Association work on the rights of PWDs. These organisations have implemented projects both in cooperation with each other and, in some cases, with OPDs. However, out of 110 projects implemented in 2016-2018 by 55 Georgian organisations, only few were implemented in collaboration with OPDs.¹⁴

OPDs surveyed in this study actively cooperate with various non-governmental organisations.¹⁵ They are united in coalitions with both non-governmental and service provider organisations. Their work includes ongoing and completed service provision, advocacy and legal projects that are being implemented in partnership with other organisations.

Disability organizations that are solely watchdog find it harder to get funding unlike disability service providers. Most civil society organizations in Georgia have limited public finance management experience, which is more pronounced with OPDs and civil society groups that work on disability issues.¹⁶

International cooperation in support of PWDs rights

The Open Society Foundation study on NGOs working on PWDs showed that the primary source of funding for these groups is financial support from international donor organisations. For almost a third of organisations (32.7%) financial support from donor organisations accounted for nearly 100% of their budget.¹⁷

13 Open Society Foundation, Study of the Civil Society Organisations Working on the Issues of PWDs, 2019 p. 77

14 Open Society Foundation, Study of the Civil Society Organisations Working on the Issues of PWDs, 2019 p. 16

15 Meetings with the representatives of OPDs: "Accessible Environment for Everyone", "Union of the Deaf of Georgia", "Union Woman and Reality", "Georgian Blind's Union", "Down Syndrome Association of Georgia", May 2021

16 Europe Foundation, Disability Financing in Georgia, May 2019

17 Open Society Foundation, Study of the civil society organisations working on the issues of PWDs, 2019 p. 77

Many international organisations and international NGOs are active in Georgia on the issues of PWDs. These include the UN family: UNDP, UNFPA, OHCHR, and UNICEF, as well as the EU, USAID and international non-governmental groups, such as the Open Society Foundation, Save the children, Caritas Georgia, World Vision and People in Need.

While the UN has been supporting the rights of PWDs in Georgia, UN agencies have not implemented any joint PRPD programmes.¹⁸ However, UN agencies and programmes engage in advocacy efforts for the rights of PWDs and there is an ongoing “Joint SDG Fund” on Transforming Social Protection for Persons with Disabilities t. Six of the UN agencies are involved in this project and its aim is to improve the CRPD implementation and transform social environment for PWDs. Under this project UN agencies aim to strengthen the legislative framework and evidence-based policy environment, expand the biopsychosocial model of disability assessment and status determination system, optimize social protection measures for children with disabilities, build capacity of ODPs and improve access to quality sexual and reproductive health and gender-based violence related services, promote access to physical environment, employment opportunities, services for PWDs, eradicate stigma and stereotypes. There is no Focal Point system, but there is a person in charge of coordinating the UN work on disability in the framework of SDG Fund implementation.

Some international organisations actively cooperate with PWDs and their organisations. However, organizations surveyed in the present study believe that their involvement, except for some donor organisations, is not adequate. Cooperation with organisations mainly occurs in relation to already planned projects and not at the needs assessment stage.

UNDP in Georgia is working on the action plan to establish a mechanism for working with OPDs, where OPDs will be able to state their opinions on current projects as well as discuss future activities.¹⁹ The action plan will also ensure that local UN staff has special knowledge on the rights of PWDs by involving them in the UN Online Training Programme on PWDs.²⁰

Sustainable Development Goals and PWDs

Georgia declared all 17 SDGs as national priorities in 2017. As a result, the Government has prepared a national document on SDGs.²¹ The national document addresses disability, in particular, in the context of elimination of all forms of poverty, the provision of inclusive and equitable education and lifelong learning, the promotion of sustained, inclusive and sustainable economic growth, reducing inequality, and access to justice.

The Council for Sustainable Development Goals ensures monitoring and implementation of SDGs in Georgia. The Chairperson of the Council is the Head of the Administration of the Government of

18 Interview with representatives of UNDP Georgia, 14.06.2021; OHCHR, 31.05.2021

19 Interview with representatives of UNDP Georgia, 14.06.2021

20 Interview with representatives of UNDP Georgia, 14.06.2021

21 National Document on SDGs, available at <https://rb.gy/v8a0o8>

Georgia. The Council consists of Deputy Ministers of various ministries, Heads of Legal Entities of Public Law, Mayors of municipalities or their Deputies, and co-chairs of thematic working groups. The Chairpersons of the Committees of the Parliament of Georgia, the heads of the UN agencies in Georgia and representatives of other international organisations take part in the Council's work without the right to vote.

Georgia has submitted its Voluntary National Review on the implementation of SDGs in 2019. The review recognizes the need to fully include PWDs as the integral element for “leaving no one behind” principle under SDG's.²² While the review mentions the needs of PWD's, it fails to provide detailed information on what has been done to ensure PWDs inclusion in the SDG implementation plan at the national level. The review also does not provide information on the disability indicators. Georgian OPDs expressed concern that they are not actively involved in the work of the Council for Sustainable Development Goals.²³ These concerns are further addressed in Chapter VII on Participation.

Key Findings on Stakeholder and Coordination Analysis:

- *Disability policy development and implementation stems from individual, often uncoordinated efforts of different governmental agencies*
- *Georgia has started working on the establishment of the agency responsible for the CRPD implementation and a coordination mechanism*
- *Official statistics lack on registered OPDs in Georgia*
- *Disability activists and OPDs actively cooperate with civil society and international organisations*
- *OPDs depend on donor and state grants and have limited public finance management experience*

²² Voluntary National Review Georgia, 2020, available at <https://bit.ly/3s0EKNq>

²³ Meetings with the representatives of OPDs: “Accessible Environment for Everyone”, “Union of the Deaf of Georgia”, “Union Woman and Reality”, “Georgian Blind's Union”, “Down Syndrome Association of Georgia”, May 2021

IV. EQUALITY AND NON-DISCRIMINATION

Since the ratification of CRPD, Georgia's legal and policy environment towards ensuring the equality and non-discrimination of PWDs has been gradually improving. Adoption of the Law on the Rights of Persons with Disabilities in 2020 was a positive step towards protecting and ensuring the rights of PWDs and their well-being and inclusion into public life. Georgia also established inclusive education and provided social assistance and healthcare programmes for those in need.

Despite these positive steps, critical challenges remain. Equality and non-discrimination principles are not fully and comprehensively integrated into the Georgian legislation and the lack of enforcement mechanisms and coordination between agencies hinders the timely and positive changes in practice. Social stigma against disability is high in Georgia and legislative advances have not been translated into real life changes for PWDs who remain one of the most marginalised groups in the country.

Constitutional Protections

According to Article 11.1 of the Constitution of Georgia, *“Any discrimination on the grounds of race, colour, sex, origin, ethnicity, language, religion, political or other views, social affiliation, property or titular status, place of residence, or on any other grounds shall be prohibited.”* While the Article does not explicitly mention disability, the clause includes a reference to “other grounds” of discrimination. The Constitutional Court of Georgia recognized in 2014 that the Constitution prohibits discrimination based on disability despite the fact that it does not mention it explicitly. In 2017 the Constitution specifically addressed PWDs under a separate amendment, where it recognizes that *“the State shall create special conditions for persons with disabilities to exercise their rights and interests.”*²⁴

The Law on Elimination of All Forms of Discrimination

After the ratification of CRPD the Georgian legislation has undergone significant changes in terms of ensuring the equality and non-discrimination for PWDs. In 2014 Georgia adopted the Law on Elimination of All Forms of Discrimination.

The Law of Georgia on Elimination of All Forms of Discrimination explicitly covers disability as one of the grounds of discrimination.²⁵ The law designates the Public Defender of Georgia as the anti-discrimination enforcement mechanism. The Public Defender handles individual complaints from those who believe that they have been discriminated against. Amendments adopted in 2019-

²⁴ Article 11.4, Constitution of Georgia

²⁵ Article 1, the Law on Elimination of All Forms of Discrimination

2020 introduced the principle of reasonable accommodation under the law.²⁶ In addition, the law specifically addresses temporary special measures and states that measures, which are intended to accelerate de facto equality, especially in gender, pregnancy, and maternity issues, also, with respect to PWDs, shall not be considered discrimination.²⁷

The adoption of the Law on Elimination of All Forms of Discrimination was followed with relevant legislative amendments in other normative acts, including the Labour Code of Georgia, the Law on the Protection of Health and the Law on Education. These changes also led to policy and institutional reforms. The Government of Georgia adopted the National Human Rights Strategy for 2014-2020 and Action Plans for 2014-2016, 2017, 2018-2020 years. The Government's Action plan for the years of 2018-2020 specifically addressed the needs of PWDs and included an obligation to harmonize national legislation with the CRPD standards. Georgian disability experts welcomed this as a positive step, however, noted that not all of the obligations undertaken under the Action Plan have been implemented.²⁸

The Law on the Rights of the Persons with Disabilities

In 2020 the Georgian Parliament adopted the Law on the Rights of the Persons with Disabilities. The law is a milestone for the rights of PWDs in Georgia and sets important obligations for state authorities.

According to CRPD “persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”.²⁹ The law of Georgia on the Rights of Persons with Disabilities recognizes all of these types.

The law, however, lacks important notions set by the Convention in terms of equality and in some cases its provisions are setting lower standards than those in the Convention:

The law does not fully cover the needs and priorities of persons with intellectual and psychosocial disabilities.³⁰ PWDs in Georgia (including children with disabilities) continue to live in large-size boarding houses and psychiatric institutions and the law fails to mention Georgia's obligations concerning mental health and deinstitutionalisation. The Law does not include rights, such as legal capacity, freedom of movement, freedom of thought and expression for people with intellectual and psychosocial.³¹

26 Article 2.3

27 Article 2.7

28 Focus Group interview with representatives of CSO's working on PWD's (Georgian Young Lawyers Association, Partnership for Human Rights, Social Justice Center), 11.06.2021

29 Article 1

30 Focus Group with CSO's working on PWD's in Georgia, 11.06.2021

31 Organizations and activists working on the rights of persons with disabilities respond to the Draft Law “on the Rights of Persons with Disabilities”, 2020, available at <https://bit.ly/3fAe3K7>

The law defines the principle of reasonable accommodation and recognizes its denial as a form of discrimination.³² According to Article 2.c, the reasonable accommodation is “a principle which involves necessary and appropriate modification and adjustments without imposing a disproportionate or excessive burden or obligation, and where needed in a particular case, ensures that persons with disabilities exercise all human rights and fundamental freedoms on an equal basis with others.” However, neither the law itself, nor by-laws or courts define what might be considered the “disproportionate or “undue burden”. This leaves a space for ambiguity and a wide margin of discretion for authorities. The lack of clear criteria for determining the proportionality of measures prevents private and public entities from more clearly determining their obligations towards PWDs under reasonable accommodation.

According to the Public Defender, deadlines set under the transitional provisions of the law are arduously long and fail to provide timely or immediate solutions for the systemic problems of PWDs, especially when it comes to introducing a biopsychosocial model of disability assessment.³³ The medical model of disability assessment represents one of the main sources of discrimination against PWDs in Georgia as the lack of individual assessments of the needs further empowers the general categorization of PWDs and neglects their individual and specific needs in health, social care, in education and in other spheres of life.³⁴ According to the law, the Action Plan on the Biopsychosocial Model must be approved by 2023. This further delays the much-needed disability status determination reform in Georgia and negatively affects equality of PWDs.

Stigma and prejudices against PWD’s

PWDs are one of the marginalized and stigmatized groups in Georgia as they face institutional, societal and legal barriers to fully realise their rights. According to UNDP “persons with disabilities face obstacles to the full enjoyment of their rights, on the one hand, due to the existing stigmas and stereotypes in society and, on the other hand, improperly planned and inconsistent policies by the state prevent the proper analysis of the situation and the removing of stereotypes in society.”³⁵ As indicated by the representative of the Public Defender’s Office, the lack of inclusion into society remains a major cause of negative attitudes towards PWDs in Georgia.³⁶

Stigma and marginalisation disproportionately affect women and girls with disabilities. Women with disabilities find it particularly challenging to have a private and family life due to stigma, the lack of statutory services and the lack of resources and support.³⁷

Despite the fact that Georgia is transitioning from the medical to social model of disability, the

32 Article 5.1

33 Public Defender’s Statement on the Law of Georgia on the Rights of Persons with Disabilities, 2020, available at <https://bit.ly/37m8T02>

34 Interview with representative of Public Defender’s Office of Georgia, 10.06.2021

35 UNDP Georgia, ISSA, Attitudes of Georgian Population towards Persons with Disabilities, 2020, available at <https://bit.ly/2VuyPnr>

36 Interview with representative of the Public Defender’s Office of Georgia, 10.06.2021

37 Study of the Needs of Women with Disabilities, Research Report on the Future Empowerment of Women, Partnership for Human Rights (PHR), 2020, available at <https://bit.ly/3LL75M>; also see, Situation of Protection of Human Rights and Freedoms in Georgia, Public Defender of Georgia, 2018, available at <https://bit.ly/3lBlyV1>

existing medical model reinforces the stigma as identifying disability is explicitly linked to a “disease” and not social factors and environmental barriers. Negative attitudes towards PWDs are manifested more prominently towards those with intellectual or mental health disabilities.³⁸

Equality and non-discrimination in Employment

The Labour Code of Georgia underwent significant changes in 2020. These changes were envisaged under the EU Association Agreement, where Georgia took the obligation to harmonize labour legislation with specific EU directives on equality and non-discrimination. The amendments strengthened the equality principles by clearly defining direct and indirect discrimination, harassment and sexual harassment, the scope and protected spheres, as well as recognizing the denial of reasonable accommodation as a form of discrimination.³⁹

The law explicitly indicates the obligation to provide PWDs with employment opportunities in an open market on an equal basis with others, including by the use of interim measures in order to achieve this goal.⁴⁰ According to the law this should be done by developing appropriate action plans and programmes, which, together with other activities, may involve introducing preferential mechanisms for employers, conducting special training and retraining of a person with disabilities, adapting the environment, and providing financial support to a programme initiated by an employer, as well as other benefits.⁴¹

Despite clear legal obligations, the right to employment represents one of the most problematic issues for PWDs. While there is no quantitative data on PWDs employment in private sector, Georgian Young Lawyers' Association explains that *“based on the stereotyped attitude of the society the PWDs are not considered as potential members of the labour market. Misconceptions of the employers are mainly related to improper assessment of PWD skills, as well as “costliness” of adaptation of work-places and environments for them”*.⁴²

Inclusion of PWDs in labour market is problematic in public sector as well. According to the statistical information of the Civil Service Agency of Georgia, for 2020 the number of professional civil servants with disabilities is only 51 out of 39,392.⁴³ Among them 61% are male and 39% are female.⁴⁴

38 UNDP Georgia, ISSA, Attitudes of Georgian Population towards Persons with Disabilities, 2020, available at <https://bit.ly/3IAvQF2>

39 The Labour Code of Georgia, Article 9

40 Article 11.1

41 Article 11.4

42 Georgian Young Lawyers Association, The Standards set by United Nations Convention on the Rights of Persons with Disabilities, 2020, p. 21

43 Statistics in Civil Service 2020, p. 2, available at <http://csb.gov.ge/media/3170/9654.pdf>

44 Statistics in Civil Service 2020, p. 16

Equality and non-discrimination in Health

CRPD recognizes that PWDs have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability.⁴⁵ This notion is also included in the Law on Rights of Persons with Disabilities, however Georgia's health legislation (the Law of Georgia on Patient Rights (2000) and the law Georgia on Healthcare (1997)) is not harmonized with the CRPD standards. In particular, the laws are using discriminatory language (retrograde terms) that promote stigma against PWDs. In addition, the legislation does not fully ensure the rights to free and informed consent and does not include clear obligations on accessibility and reasonable accommodation.

On top of the legal shortcomings, civil society organizations working on the rights of PWDs in Georgia explained that the high-quality medical care is often not available due to low qualifications and discriminatory approach of medical staff. In addition, physical barriers prevent access to health clinics and hospitals and informational barriers prevent access to health literacy and information brochures and leaflets on health promotion, prevention and protection.⁴⁶

COVID-19

COVID-19 pandemic has created additional challenges for the marginalized members of the society in Georgia. The rights and wellbeing of PWD's significantly worsened. The government of Georgia mitigated this by introducing special measures such as social assistance programmes. However, government's COVID-19 Anti-Crisis Plan focused only on PWD's with severe disabilities and children with disabilities, and other groups of PWD's did not receive COVID-19 social benefits. As a result, their access to health and education declined during the pandemic.⁴⁷

45 Article 25

46 Focus Group with CSO's working on PWD's in Georgia, 11.06.2021

47 Focus Group with CSO's working on PWD's in Georgia, 11.06.2021

Key Findings on Equality and Non-discrimination:

1. *Discrimination based on disability is prohibited under Georgian Constitution and the Law on Eradication of All Forms of Discrimination*
2. *Adoption of the Law on the Rights of Persons with Disabilities in 2020 was a milestone for protecting the rights of PWD's in Georgia*
3. *Biopsychosocial model of disability assessment is planned to be approved by 2023*
4. *Despite legal protections, PWDs face challenges in everyday life, including in employment due to social stigma and stereotypes,*
5. *Stigma and marginalisation disproportionately affect women and girls with disabilities and those with intellectual and psychosocial disabilities*
6. *Discriminatory language remains in healthcare legislation*

V. ACCESSIBILITY

After the CRPD ratification Georgia started to reform regulations and standards to ensure universal design and increase accessibility. However, Georgian PWDs continue face physical and sensory obstacles in all aspects of their lives. Most of the existing buildings, public spaces, municipal transport, services, and information are not accessible in Georgia.

Improving National Standards on Accessibility

CRPD obliges Georgia to take measures to enable PWDs to live independently and participate fully in all aspects of life. This includes the obligation to ensure PWDs have access to physical environment, transportation, information and communications.⁴⁸ Accessibility is also referenced in SDGs that Georgia committed to implement, in particular in Goal 11 that aims to improve accessibility of human settlements.⁴⁹

⁴⁸ Article 9, CRPD

⁴⁹ Sustainable Development Goals (SDGs) and Disability, available at <https://bit.ly/2VuyUrf>

The Law of Georgia on Persons with Disabilities guarantees independent access for PWDs, on an equal basis with others, to physical environment, buildings, roads, transport, information, housing, medical facilities, workplaces, communication technologies and systems, open public facilities, and emergency and other services. The law also sets out obligations of administrative bodies and private law entities to introduce universal design of both operating buildings and the ones under construction as well as other infrastructure to ensure access for PWDs according to the universal design.

In 2016 the Government of Georgia approved Resolution 41 on “Technical Regulation on Building Safety Rules”⁵⁰ based on the International Building Code (IBC). Resolution 41 regulates the requirements of building planning, fire safety, means of exit and other requirements during the design, construction and operation of buildings. The provisions of Chapter 10 - Means of Exit (Subsection 1010 - ramps), Chapter 11 – Accessibility and Chapter 21 - Existing Buildings (Section 2111 Accessibility to Existing Buildings) regulate the planning and construction of facilities accessible to PWDs.

In 2020, with the support of UNDP, the Government of Georgia developed new national accessibility standards by translating the international standard of “Accessible and usable buildings and facilities ICC A117.1” and incorporated it into Georgian legislation through Resolution 732 on Technical Regulation - “National Accessibility Standards”. Along with the approved National Accessibility Standards, Georgia started the elaboration of the National Action Plan on Accessibility. Significant progress towards accessibility has been achieved by approving Resolution that provides technical criteria to ensure that places/land plots, equipment and facilities, buildings and elements are accessible.

In 2020 the Parliament of Georgia adopted amendments in the Georgian Code of Space Planning, Architect and Construction Activities, aimed at improving national regulations on accessibility and imposed sanctions for negligence.

Critical Gaps on Accessibility and Accessible Service Provision

Accessibility of built environment and services is a challenge throughout Georgia. The most of new and existing buildings, historic built environment, accessible public spaces and public outdoor environments, public transport and services, and services and information are not accessible. Despite recent positive steps in the capital Tbilisi, Batumi and few other municipalities, accessibility of different forms of transport facilities and passenger services severely lack throughout the country.⁵¹

According to the accessibility focus group participants, despite improvements in legislation and standards, the lack of holistic and systemic approach, including the lack of consistency in the implementation of national accessibility standards and regulations are barriers for accessibility

50 Resolution № 41 on “Technical Regulation on Building Safety Rules” available at <https://matsne.gov.ge/en/document/view/4923984?publication=0>

51 Accessibility focus group discussion, June 2021

reform. For example, while the “National Accessibility Standards” came into force in 2021, additional documents that are integral parts of the Georgian National Accessibility Standards listed in Section 105.2 are not available in Georgian (currently available only in English).

Additional challenges include the absence of comprehensive monitoring, reporting and evaluation systems, the lack of annual funding towards accessibility improvements and the lack of effective and meaningful participation of the diverse group of PWDs in policy making, monitoring and budgeting. Design and technical flaws in accessibility infrastructure projects is common and unaddressed.⁵²

According to the accessibility focus group participants, the lack of implementation of the national accessibility standards and the lack of comprehensive monitoring, reporting and evaluation systems leads to systemic problems in local accessibility infrastructure projects. One such example discussed by the focus group participants included the western Georgian region Adjara, where systemic problems remain in accessibility of newly built educational, health and administrative facilities. The focus group participants explained that this is due to the lack of monitoring processes, as well as the lack of proper maintenance of newly adapted infrastructure in Adjara. The lack of field specialists in the regional government of Adjara to perform access audits, implement and monitor compliance of services and facilities with national accessibility guidelines, standards and regulations further contributes to the problem. Qualification and skills of relevant field specialists on national and international accessibility standards and access audit methodology are deficient in Georgia. According to the focus group participants, architecture, urban planning/design and construction faculties throughout Georgian universities do not include Universal Design and national/international accessibility standards in their curriculums. Georgia lacks accredited training programmes on national accessibility standards/regulations, Universal Design, access audit methodology and digital accessibility.

Challenges remain in the direction of accessible services and information provision including programmes and materials customized and adapted to relevant needs. There is a lack of accessible written, verbal and electronic information, such as sign language interpretation, subtitles, captioning, audio description, videos, apps, audio books or books printed in Braille. Georgia does not have web accessibility standards and needs the introduction of Digital Transformation Strategy according to international best practice and globally accepted standards on the Web Content Accessibility.⁵³

UNDP supported the elaboration of the Guideline on Web Accessibility for People with Disabilities in Georgia. The document describes recommendations how to carry out national ICT accessibility standards elaboration process based on the CRPD, other international standards and best practices. According to the Guideline, Georgia must introduce the missing legal and regulatory components and align these to the EU Web Content Accessibility Guidelines (AA standard) and transpose the EU Directive (EU) 2016/2102 into its national legislation by adopting a special Law or Regulation on the Accessibility of the Websites and Mobile Applications of Public Institutions and All Non-Governmental Entities.

⁵² Accessibility focus group discussion, June 2021

⁵³ Web Content Accessibility Standards, available at <https://bit.ly/3DxqWx>; UNDP has started working on the development of general standards to make websites of private and public agencies accessible for all PDWs in Georgia

Key Findings on Accessibility:

- *PWDs face physical and sensory obstacles in all aspects of their lives*
- *Most of the public and private infrastructure and services and information are not accessible*
- *Georgia introduced new accessibility regulations and standards*
- *Comprehensive monitoring, reporting and evaluation systems for accessibility projects are absent*

VI. INCLUSIVE SERVICE DELIVERY

Following the ratification of CRPD, the Government of Georgia committed itself to better protect and maintain the basic rights of persons with disabilities, including the rights to appropriate health, education and social care. The Government is implementing this obligation through attempting to move to a social model of disability, establish supporting services, revise policies and legislation, de-institutionalise persons/children with disabilities and address stigma against disability in society.

However, PWDs in Georgia face a number of challenges throughout their lifecycle, which are due, in part, to an absence of appropriate services that address their needs and enable them to fully participate in society. The disability assessment system has not yet moved away from the medical model and still does not consider an impact of impairment on functioning and participation of PWDs. Insufficient financial resources result in insufficient quantities and qualities of disability services. Appropriate services when they exist, lack geographic coverage, often encompassing only 20-25% of municipalities. Georgia also lacks data on the service needs of PWDs.

Disability assessment and referral systems

The Law on Medical-Social Examination and two ministerial orders⁵⁴ regulate disability assessment system in Georgia. The system is still based on the medical model and does not consider an impact of impairment on functioning and participation of PWDs.

The ministerial orders (#1/n and #62/n) include certain diseases that make eligible child or adult to disability status and define periods for re-examining the disability. The current system disregards the role of environmental factors,⁵⁵ such as physical, social and attitudinal environment. Due to the medical model of disability assessment, the state does not have sufficient evidence and opportunity to develop needs-based social protection system in the country.

- *Status determination process*

To determine the disability status, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs outsources 70 healthcare facilities throughout the country.⁵⁶ Every two years the ministry announces a tender in which all eligible healthcare institutions can participate. The requirements of the tender do not include the special qualification or training of physicians.⁵⁷

Disability assessment and status determination process in Georgia comprises the following steps:

- **Referral** – A claimant or their representative applies to the licensed healthcare facility about required steps and documentation.
- **Medical examination** – The healthcare facility commences the examination and defines the disability assessment areas for physicians.
- **Decision-making process** – If the claimant has certain diagnosis defined by the ministerial order, then the healthcare facility determines the severity of disability and sets the timeframe for the official re-examination. Healthcare facility provides official recommendations for the assistive technology.
- **Informing the claimant about the decision** – The healthcare facility informs the claimant about the final decision. If the decision is positive, the healthcare facility instructs the claimant or their representative about the follow-up procedures to receive disability benefits. If the disability status is refused, the claimant is informed about the

⁵⁴ The Ministerial Orders (#1/n and #62/n)

⁵⁵ According to the International Classification of Functioning, Disability and Health, the environmental factors include products and technology, natural environment and human-made changes to environment, support and relationships, attitudes, services, systems and policies ⁶

⁵⁶ The list is available at <http://rama.moh.gov.ge/geo/static/36/sameditsino>

⁵⁷ Order N 02-235/O issued by the Director of the State Regulation Agency for Medical and Pharmaceutical Activities, February 13, 2020

complaint procedure administered by the State Regulation Agency for Medical and Pharmaceutical Activities.

- **Referrals to disability allowance and support services** - Upon determining the disability status, the claimant is awarded a special certificate that should be submitted to the Social Service Agency to receive the disability allowance.

The State Regulation Agency for Medical and Pharmaceutical Activities regularly monitors the performance of each healthcare facility.⁵⁸ The agency is responsible to follow up the complaints and investigate cases. The agency refers such case to another authorised healthcare institute for re-examining and evaluating the accuracy of the initial decision.

- *Assessment of persons with psychosocial needs*

The Government of Georgia reformed assessment procedures of persons with psychosocial needs in 2015 by adopting the Law on Examination of Persons with Psychosocial Needs. According to the law, individuals with psychosocial disability will be assessed based on their needs and capacities, not the diagnosis. Such individuals will no longer be automatically considered as “legally incapable” and will be able to reclaim certain rights and act either independently or through the assistance of their legal supporter.

The National Forensic Bureau and a multidisciplinary team including psychiatrist, psychologist, occupational therapist, and social worker conduct comprehensive psychosocial assessment to determine individual needs and capacities. The bureau then prepares official conclusions for the court. Based on the individual circumstances and conclusions, the court decides on granting certain rights to the claimant.

The reform is an important step for Georgia as it is the first official initiative for social and functional assessment of adults with disabilities. However, local NGOs working on the rights of PWDs in Georgia identified some flaws in the reform hindering persons with psychosocial needs to become right-holders and receive appropriate support: These include the lack of assessment standards, coordination of specialists and involvement of persons with psychosocial needs in the assessment process.⁵⁹

- *Assessment of children with special educational needs*

The Ministry of Education and Science is in charge of assessing functional and cognitive capacity of children with special educational needs. The multidisciplinary teams of the ministry composed of special educational teachers, occupational therapists, and psychologists assess the cognitive ability and functioning of a child and make a decision on whether the child needs individualised education plan and special support for the enrolment into mainstream education system.⁶⁰

⁵⁸ The Law on Medical-Social Expertise, Chapter VI

⁵⁹ Global Initiative on Psychiatry, Assessment of the Legal Capacity Reform: Legislation and Practice 2020

⁶⁰ Order of the Minister of Education and Science 16/n - on the approval of the rules for the introduction, development and monitoring of inclusive education, as well as the mechanism for the identification of students with special educational needs

- *Disability Statistics*

Disability statistics available in Georgia are not complete and valid since the medical model of disability status determination is based on certain diagnoses and ignores overall health condition and developmental delays. The data collected through UNICEF funded Multiple Indicator Cluster Survey (2018)⁶¹ and the National Census (2014) indicate higher prevalence of functioning limitations and disability in comparison to the official statistics in Georgia.⁶²

The current disability status determination system does not generate explicit data according to the disability types and therefore, there is no disaggregated statistics about persons with physical, mental, sensory and intellectual impairments in the country. Additionally, there is no official data on persons with multiple disabilities.

- *Shortcomings in status determination process*

Focus groups with OPDs and parents of children with disabilities highlighted several problematic areas in the disability status determination system of Georgia.⁶³

Physicians of the primary healthcare system do not possess proper information about the disability status determination system that leads to delayed referrals to the disability assessment system. PWDs and parents of children with disabilities do not have a clear understanding of the disability status determination system and their rights in the process. Information is even less accessible for representatives of ethnic minorities if they do not speak Georgian language.⁶⁴

According to Georgian OPDs and parents of children with disabilities, the examination process does not consider reasonable accommodation. Persons with deafness and hearing impairments do not have access to sign language interpreters during the process. In addition, healthcare facilities determining disability status of children and adults with mental health problems and intellectual disabilities are not available in every region and the majority of disability claimants have to travel to the capital for the disability assessment and status determination. Covid-19 further hindered access to the disability status determination process due to geographical barriers and restrictions on public transport.

The focus group participants also expressed concerns that the disability determination process ignores the severity of disability in children and sets one official status – “Child with Disability”. Consequently, disability benefits for children are identical. In addition, the current system fails to examine certain disabilities associated with development in early childhood age, particularly the Down syndrome and autism spectrum disorder. As a result, the majority of these children do not have access to disability benefits and relevant social services.

61 Multiple Indicator Cluster Survey available at <https://uni.cf/37vWuH0>

62 According to the Social Service Agency of Georgia 126,233 individuals were receiving disability assistance in 2021

63 Focus groups were organised with representatives of OPDs and Azerbaijani and Armenian minorities with disabilities

64 Focus groups and interviews with OPDs and parents of children with disabilities, including representatives of ethnic minorities in Kvemo Kartli and Samthkhe-Javakheti Regions

- *Pilot biopsychosocial model*

In order to fulfil the requirements of CRPD, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs together with UNICEF and the Georgian Association of Social Workers initiated the biopsychosocial pilot programme of the disability status determination system. The programme has been piloted in the regions of Adjara and Samtskhe-Javakheti and 1,088 PWDs have participated in it since 2019.⁶⁵

The new model follows the framework of the International Classification of Functioning, Health and Disability of WHO (ICF) and evaluates the impact of health condition and environmental factors on activities of an individual at different domains of functioning.

The biopsychosocial model will reshape the eligibility criteria of the disability status in Georgia. According to the Law on the Rights of Persons with Disabilities, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs is obliged to adopt the action plan for institutionalizing the biopsychosocial model of disability status determination by 2023.

Healthcare

The Government of Georgia has explicitly recognised healthcare as a human right⁶⁶ and has actively pursued policies to extend coverage to the entire population. However, PWDs continue to face barriers to accessing healthcare, specifically disability-sensitive health and social services. It is widely acknowledged that there is limited understanding among service providers of the rights of PWDs, as well as a general lack of capacity to address their challenges in healthcare. Those facing compounding vulnerabilities and experiencing intersectional inequities are particularly at risk of missing out on receiving the necessary healthcare. For example, PWDs living in poverty confront exclusion in their daily life and are less likely to visit a doctor or a clinic.⁶⁷

Health barriers disproportionately affect women and girl PWDs who face significant challenges in accessing health services. According to UNFPA Georgia, laws and policies on health appear to be less responsive to special needs and vulnerabilities of women and girls with disabilities. The main problems include the lack of accessibility to health services and information, and failure to implement the right to reasonable accommodation. In addition, high quality medical care is often not available for women and girls with disabilities due to low qualifications and discriminatory approach of medical staff.⁶⁸

65 Data submitted by the Georgian Association of Social Workers

66 2014-2020 State Concept of Healthcare System of Georgia for “Universal Health Care and Quality Control for the Protection of Patients’ Rights”

67 Arganashvili and Gochiashvili, Lack of Access Services for Children with Disabilities, 2017, available at <https://bit.ly/3lD0oWE>

68 Assessment of Legal Framework and Policies on Sexual and Reproductive Health and Rights of Women and Girls with Disabilities in Georgia and Specific Recommendations, UNFPA, 2020, available at <https://bit.ly/3Cqi91x>

Women and girls with disabilities are facing particular challenges in accessing sexual and reproductive health services.⁶⁹ According to UN Women “women with disabilities who have limited abilities from an early age have less information about contraception than women who acquired limited abilities in adulthood. The reason for this is the perception that women with disabilities are “asexual creatures” who should not have reproductive health issues.”⁷⁰ Sexual and reproductive rights for women with disabilities are especially problematic in psychiatric and state care institutions. Assessments are not conducted on the conditions of sexual and reproductive health of women prior to treatment with psychotropic medications.⁷¹

Education

CRPD recognizes the obligation to ensure the rights of PWDs to education by realizing an inclusive education system at all levels and lifelong learning. Georgia’s Law on the Rights of Persons with Disabilities also recognizes State’s role to ensure the introduction of an accessible and qualitatively inclusive education system that will allow PWDs to obtain continuing education, develop their personality and creative skills, and realize their mental and physical abilities.⁷²

Since 2005 the government has taken steps to improve the situation of children with disabilities by providing the inclusive education system and prioritising accessibility for children with disabilities. The 2005 Law of Georgia on General Education is the main legal basis for government’s inclusive education strategy, in which the state’s responsibility to ensure the same right to education for all children is officially recognized. Subsequent policy reform has focused on improving teaching standards and learning resources in special needs education schools – of which there are now only eight in the country – alongside increasing enrolment of children with disabilities in mainstream schools and providing an inclusive learning model.⁷³

In 2018 the Ministry of Education and Science approved the rules of implementation, development and monitoring of inclusive education, as well as the mechanism for identification of students with special educational needs.⁷⁴ The Ministry makes efforts to increase access to education for children and adolescents with disabilities, for example by recognizing the alternative and expanded curricula pursuant to the amendments in the Law on General Education of Georgia in 2018, as well as by explicitly defining financial obligations of the state to ensure that specialized and integrated classes are properly financed, and there are sufficient human resources and relevant programmes and services.⁷⁵

69 Assessment of Legal Framework and Policies on Sexual and Reproductive Health and Rights of Women and Girls with Disabilities in Georgia and Specific Recommendations, UNFPA, 2020

70 UN Women, Country Gender Equality Profile, 2020

71 Protection of Women’s Sexual and Reproductive Health and Rights in Psychiatric and State Care Institutions, Public Defender of Georgia, 2020, available at <https://bit.ly/3yHZkVn>

72 Article 8.1

73 Madeleine Cretney and Shea McClanahan, “Disability inclusive social protection in response to the COVID-19 crisis”, 2021

74 Decree of Minister of Science and Education of Georgia, №16/6, February 21, 2018, available at <https://matsne.gov.ge/ka/document/view/4007539?publication=1>

75 The Law on General Education of Georgia, Article 22.6³

Despite reforms, children with disabilities in Georgia are still very likely to face numerous barriers to access education, such as infrastructure, transportation and supportive devices. School attendance rates – on which there is very little disaggregated data – are not necessarily an indication that children with disabilities are receiving the education they need. According to the official data 11,765 children with disabilities were registered in Social Service Agency in January, while only 1,244 children with disability certificate are registered in the education system.⁷⁶

Georgia does not collect statistics on children with disabilities left out of formal education and their needs.⁷⁷ This leads to the lack of mechanism and strategy to monitor children under the risk of school dropout or to prevent the dropout.

Although legislation on inclusive education exists, the quality and readiness of educational institutions are still problematic. According to a local NGO, Georgian Young Lawyers Association, *“the national curriculum does not allow in all cases for the children to develop functional and academic skills. It does not allow for setting up different types of learning arrangements, which are often needed for effective involvement of children with deep intellectual and multiple disorders in the learning process.”*⁷⁸ According to the Public Defender’s Office and local civil society groups, the lack of relevant infrastructure, training programmes, accessible learning recourses, as well as the lack of special teachers and lack of qualification remain important barriers to fully realise the right to education for PWDs.⁷⁹

State initiatives on the right to education of PWDs do not consider gender aspect and treat disability in a gender-blind way.⁸⁰ There is also no available statistical data or other information on ethnic minority PWDs who are at risk of further challenges in obtaining the quality education in Georgia.

COVID-19 hindered the possibilities for children with disabilities to attend online school classes and receive quality education.⁸¹ The online schooling system in Georgia did not address specific needs of children with every disability, resulting on dropouts. Access to education was a particular challenge for children with behavioural difficulties and sensory disabilities. According to the Public Defender’s Office, during COVID-19 the proper involvement of students with disabilities and students with special needs in the inclusive education process was a critical challenge due to several factors, including socio-economic challenges in the country and families whose social conditions were worsened. The lack of access to the communication technologies and internet, the lack of availability of remote educational process in a format accessible for students with disabilities and the lack of mobilization of adequate and effective human resources for online learning system further negatively impacted access to the right of education for children with disabilities.⁸²

76 Data received from the Social Service Agency and the Ministry of Education and Science of Georgia

77 Georgian Young Lawyers Association, Standards set by United Nations Convention on the Rights of Persons with Disabilities, 2020, p. 27

78 Georgian Young Lawyers Association, Standards set by United Nations Convention on the Rights of Persons with Disabilities, 2020, p. 26

79 Interview with representatives of the Public Defender’s Office of Georgia, 10.06.2021, Focus Group with CSO’s working on PWD’s, 11.06.2021

80 UN Women, Country Gender Equality Profile, 2020, p. 100

81 Georgian Young Lawyers Association, Covid-19 and the Rights of Persons with Disabilities, 2021, available at <https://bit.ly/3CgQZtI>

82 The Public Defender’s Office, Day of the Rights of Persons with Disabilities during Pandemic, June 14th, 2020, available at <https://bit.ly/3isOBZ1>

Disability support programmes

The Government of Georgia offers limited social care and support for PWDs. Although there is a functioning social work system, demand outstrips the capacity of trained social workers, and the lack of effective government outreach programmes creates a heavy reliance on services provided by NGOs.⁸³ The Ministry of IDPs from Occupied Territories, Labour, Health and Social Affairs is main actor in elaboration and provision of disability support policy and services.⁸⁴

State care and support for PWDs has historically been characterised by Soviet-era “institutions” and boarding schools in Georgia. Despite a recent shift towards community-based care and support services aimed at preventing family separation, specialised child/family-focused services remain scarce and widely inaccessible. State programme covers up to 30 municipalities out of 64. There are even fewer specialised services for adults with disabilities, including elderly. Consequently, the responsibility of caring for those unable to care for themselves and the indirect additional costs of disability usually fall on a family.⁸⁵

The Government of Georgia provides a range of income support schemes and some services that offer support to PWDs. These include disability-specific benefits under the Social Package as well as mainstream programmes (social assistance and programmes, education, sport and culture activities) that reach PWDs as part of their support to broader demographic groups. Various national and local programmes designed for vulnerable groups also include services for PWDs on the base of their social status. No separate data is collected about PWDs in these programmes. Disability support programmes often focus on children with disabilities, while adults with disabilities face significant gaps in support services.

- *Early Development Service*

Early Development Service aims to strengthen child and family, prevent disability advancement and child abandonment. It provides early intervention services, stimulates the development of children with disabilities, or those with developmental disorders and promotes their inclusion in pre-school or general education programmes or alternative services to help their social integration.

The sub-programme can be applied to children between the ages 0-7 that have exhibited delays in development stages. In 2020, the Early Development Service was administered in 19 municipalities out of 64 and served 2,100 children.

- *Rehabilitation service for children*

The programme goal is to support child’s inclusive development, special rehabilitation, and physical health improvement, as well as help improve child’s adaptive opportunities.

83 Madeleine Cretny and Shea McClanahan, “Disability inclusive social protection in response to the COVID-19 crisis”, 2021

84 Child Care and Social rehabilitation State programme, 2020

85 Focus group with parents of children with disabilities, January 2021

The Rehabilitation programme is targeted to children three years and older having disability status, and for children under three without this status, whose needs for rehabilitation have been proven by medical assessment report. The programme budget has gradually increased, leading to the higher number of beneficiaries. In 2020, the programme was budgeted for 1,400 children. This programme does not cover adults with disabilities.

34 organizations administer the programme in 14 municipalities of Georgia.

- *Day-Care service*

Day-care service prevents child abandonment or child separation from family and targets children aged six to 18 with disability certificates.

In 2020, the programme was budgeted for 1059 children in 37 municipalities. The programme provides 242 placements for children with disabilities in Tbilisi, and 20-30 placements in other municipalities. Day centers for children with severe and deep mental impairment operate only in Tbilisi and Kutaisi, with one provider registered in each.

- *Assistive services and devices*

The Assistive services programme provides wheelchairs, prosthetic-orthopaedic means, hearing aid, walker frames, and white canes for visually impaired.

The Law on the Protection of the Rights of Persons with Disabilities introduced personal assistant services at the municipal level to help PWDs live independently. Municipalities must implement personal assistant services before 1st January 2025.

- *Alternative residential care for persons with disabilities*

Two types of residential care are provided for PWDs in Georgia: community-based service for up to 24 persons and small group homes for up to six persons. Children with disabilities are mostly placed in specialized foster cares⁸⁶ and small group homes.

- *Service for children with autistic spectrum disorder*

The programme provides rehabilitation services to children with autistic spectrum disorder between the ages of 2 to 17. The programme operates only in five municipalities – Tbilisi, Kutaisi, Rustavi, Zugdidi, and Batumi. Currently, this programme serves 2,030 children.

- *Residential Institutions for PWDs*

Despite the fact that Georgia has made progress in the direction of deinstitutionalisation, there

⁸⁶ Article 37.5, the Law in the Right of Persons with Disabilities

are still only two residential institutions where only up to 70 children with disabilities are placed. There are three large institutions for PWDs where about 170 beneficiaries live. Due to the lack of independent living services, psychiatric clinics continue to be used as long-term placements for PWDs.

Social Protection

Almost everyone with a disability status in Georgia receives some benefits. Social package depends on the level of disability (severe disability, significant disability and moderate disability). Children with disability and persons with severe disability receive 250 GEL (81 USD) per month, persons with significant disability – 140 GEL (45 USD) per month and persons with moderate disability – 100 GEL (32 USD) per month. Approximately 0.9% of all children in Georgia are covered by the disability social benefit. Out of all working age adults' disability benefit coverage amounts to 4.9% and is higher among the lower per capita consumption group.⁸⁷ There is a drop in those receiving disability benefits after the age of 60, as social benefits convert to an old-age pension at retirement in Georgia.

Adults assessed as having moderate disability are the least likely to receive the benefit, possibly as a result of its low value, but also likely due to social benefit system design which prevent them from simultaneously working in the formal sector and claiming benefits. In addition, those who develop moderate disability in adulthood are excluded from disability benefits.

Transfer values for PWDs in Georgia are generally inadequate. Amounting to approximately 19.5% of GDP per capita, the child disability benefit is not sufficiently high to cover the average cost of bringing up a child as well as additional costs of disability. For working age adults, the highest applicable disability benefit value (also amounting to 19.5% of GDP per capita) is significantly lower than the values that would be considered minimally acceptable as income replacement by the relevant ILO Conventions (Nos. 102 and 128, respectively), which are set at just 45% or 50% per month, respectively, of the prevailing wage for an unskilled manual worker. As for the universal old-age pension in Georgia, it serves only as a form of income replacement and cannot be considered sufficiently high enough to support those experiencing multiple vulnerabilities, including those facing additional costs related to disability.

Georgia's income transfer programmes have incorporated several disability-inclusive operational components. However, some gaps remain. For example, despite an attempted shift towards a "social model of disability" that considers each person's individual functional needs and abilities, disability assessments continue to be carried out by medical institutions without input or certification from social service authorities.⁸⁸ As a result, social assistance is not connected with specific needs and assessment of PWDs.

⁸⁷ Data from the Social Service Agency

⁸⁸ Law on Medical and Social Examination

COVID-19 and disability support services

COVID-19 has negatively impacted PWDs in Georgia. Although those not working were able to continue receiving disability benefits, they were also disproportionately affected if members of their household lost jobs. The government of Georgia implemented a series of emergency measures to protect its citizens by providing greater income security. Notable measures included an emergency (temporary) child benefit, as well as an additional benefit for all children with disabilities and adults with severe disabilities (100 GEL (32 USD) per month during six month).

The COVID-19 emergency schemes will likely represent a welcome boost to the income of recipient households, on top of their existing benefits. In addition to supporting a group that has higher additional costs than the rest of population, this transfer can also be viewed as a partial compensation for support services that are not currently available due to the containment measures implemented by the government. Around 40,000 recipients of disability social package are benefiting from this additional income transfer, which, on top of the existing disability benefit, amounts to approximately 26.8% of GDP per capita (an increase from 19.5%). However, it is unlikely that the short-term measures will be able to protect PWDs from the scale of income and job loss that will be brought by COVID-19.⁸⁹

Working aged people receiving significant or moderate disability benefits (who were not entitled to the COVID-19 emergency disability benefits) were more likely to have been employed prior to the crisis. They are, therefore, more likely than the recipients of severe disability benefit to have since lost their income and be in need of support.

89 Madeleine Cretney and Shea McClanahan, "Disability inclusive social protection in response to the COVID-19 crisis", 2021

Key Findings on Inclusive Service Delivery:

- *Georgia is in process of moving towards a social model of disability, establishing supporting services and de-institutionalisation*
- *Georgia offers limited social care and support for PWDs: Insufficient financial resources result in insufficient quantities and qualities of disability services*
- *The current disability assessment system is based on the medical model and does not consider an impact of impairment on functioning and participation of PWDs*
- *Responsibility of caring for those unable to care for themselves and the indirect additional costs of disability usually fall on a family*
- *Services lack geographic coverage*
- *Disability support programmes often focus on children with disabilities, while adults with disabilities face significant gaps in support services*
- *Georgia lacks data on the service needs of PWDs*
- *Children with disabilities face barriers to access education, such as lack of accessible infrastructure, transportation and supportive devices*
- *Health barriers disproportionately affect women and girl PWDs, in particular on accessing sexual and reproductive health services*

VII. PARTICIPATION

Georgia has been taking legislative steps to demonstrate the commitment to implement the right to participate. However, there still are substantial gaps preventing full, meaningful and just participation of PWDs and OPDs in decision-making on a national, as well as the local level.

Most of the public authorities in Georgia lack formal mechanisms to engage PWDs on a regular basis. Nor are PWDs included in less formalized consultation processes, such as on those on gender equality, youth issues, SGDs or disaster risk reduction. Those governmental and self-government

structures that have formal consultation mechanisms, often fail to utilize their potential. In many instances the participation mechanisms have a formalistic nature, lack the appropriate human and financial resources and capacity to conduct analytical and outreach work. The Public Defender's office and the Central Election Commission are the exceptions that provide effective participation mechanisms for PWDs.

Participation of PWDs who are further marginalised due to sex, ethnic and religious background and IDP status is limited in Georgia. Women with disabilities are underrepresented both in the women's and PWDs' movements.

Lack of participation mechanisms at the national level

Georgia lacks CRPD coordination and implementation mechanism and has not created a formal institutional framework for the meaningful participation of PWDs. There are no consultative or participation mechanisms outside the executive branch as well, such as the judiciary or the Parliament.⁹⁰ Individual ministries and most of the independent regulators, such as the Georgian National Bank, the National Statistics Office, the State Audit Service and many others except the Central Election Commission and the Public Defender do not have institutional formal participation mechanisms for PWDs. PWDs and their organizations do not have an opportunity to regularly participate in decision making on issues such as the conflict affected territories in Georgia or disaster risk reduction strategies. There are no relevant inclusion focal points in the State Ministry of Civil Equality and in the Government Crisis Management Council, nor any consultative mechanisms.⁹¹

Consultative Council at the Public Defender's Office

The Public Defender's Office operates one of the most vocal and effective disability inclusion consultative mechanisms in the country: the Consultative Council for promoting, protecting, and implementing CRPD. The Council is a deliberative body, which together with the Public Defender of Georgia includes representatives of PWDs, OPDs and international and local organisations working on issues of PWDs.⁹²

Since 2017 based on the recommendations of the Council, the Public Defender solicited a meeting of the council with representatives of the State Audit Service, as a result of which the State Audit Service conducted an efficiency report of the state funded disability services in 2019. Based on the Council recommendations, the Public Defender's Office also prepared and issued special reports on inclusive education,⁹³ employment, physical accessibility, sexual and reproductive health and rights of women in psychiatric facilities and other state care institutions, situation in the day centers and the situation in a specialized school for the blind.⁹⁴

90 Interview with OPD Equal Participation Center, 30.05.21

91 Interview with Ekaterine Skhiladze, Deputy Public Defender, 04.06.21

92 Order N41 of 1 March 2019 of the Public Defender of Georgia

93 Interview with OPD Equal Participation Center, 30.05.21

94 Public Defender of Georgia, available at <https://bit.ly/3jvBeXl>

The Public Defender's office appoints Council members.⁹⁵ The Council has a statute, which enshrines the member selection criteria and principles. The statute contains the principle of ensuring representation of diverse groups of PWDs including those from outside of the capital, those with physical, sensory, intellectual and psychosocial disabilities, as well as legal representatives of children with disabilities.⁹⁶

Municipal Disability Councils

After the ratification of CRPD the Government of Georgia adopted a National Action Plan for Creating Equal Opportunities for Persons with Disabilities for 2014-2016. The establishment of Municipal Disability Councils was one of the activities under the Action Plan aiming to support implementation of CRPD on a local level. According to the Action Plan, PWDs and their organizations should have actively participated in the establishment and functioning and decision-making processes at the Municipal Councils.⁹⁷

However, Council sessions are not held regularly as enshrined in the statutes. Since the outbreak of COVID-19 in Georgia, when PWDs started facing additional hardships to meet their basic needs and their participation in decision-making processes became more urgent, Council sessions were held only in 11 out of 57 municipalities. No measures have been taken to hold the sessions remotely.⁹⁸

The Law on the Rights of Persons with Disabilities obliges municipalities to elaborate annual disability rights action plans. As of May 2021, 63 out of 64 municipalities have created such plans.⁹⁹ Considering the fact that the majority of Municipal Disability Councils have not held a meeting throughout 2020, it is safe to assume that many of these disability rights action plans were created without substantial participation of PWDs.

In some municipalities, Council statutes allow only municipality civil servants to be members of the Council. Council sessions are open for PWDs to attend and contribute, as guests. Other municipalities allow civil society representatives as invited members of the Council. However, Council statutes do not specify membership selection criteria and, thus, do not prioritize OPDs.

There is a general lack of involvement of PWDs in the work of Municipal Councils, while those few Council members with disabilities need capacity and skills building. Most of the municipal civil servants, civil society representatives and PWDs present within the Municipal Councils lack awareness on the Human Rights Based Approach to decision-making and the CRPD principles.¹⁰⁰

95 Public Defender of Georgia, available at <https://bit.ly/2WYcLCI>

96 Public Defender of Georgia, available at <https://bit.ly/3jwL23b>

97 Tamar Makharadze, Arbeiter-Samariter-Bund, Social Service Needs for PWDs, available at <http://dpo.ge/laravel-filemanager/photos/1/asb-research-final.pdf>

98 Public Defender of Georgia, available at <https://bit.ly/3Cy2Xzx>

99 Interview with the Head of the Human Rights Secretariat, 04.05.21

100 Tamar Makharadze, Arbeiter-Samariter-Bund, Social Service Needs for PWDs, available at <http://dpo.ge/laravel-filemanager/photos/1/asb-research-final.pdf>

Council sessions are often called on to make decisions upon individual requests of member organizations, such as providing office space for a service provider, funding medical or other expenses of individual PWDs or providing case to case social and financial assistance. Most of the local PWDs, their supporters and organizations are not well informed about the work of Councils.

Council decisions are of advisory nature and necessitate extensive advocacy and follow up to be implemented. There are no formal mechanisms of feedback and accountability whereby the local authority representatives would provide regular reports on taking into consideration council decisions and recommendations.

Councils in most of the municipalities are not allocated adequate financial and human resources necessary for their work, as well as to provide reasonable accommodation for participating PWDs, such as transporting them from and to the seat of the Council where appropriate.¹⁰¹ This negatively affects proactive engagement of PWDs in local Councils.¹⁰²

Deliberation Process on the Law on the Rights of Persons with Disabilities

The process of elaborating and drafting the Law on the Rights of PWDs took place without proper involvement of PWDs. Part of OPDs and CSOs have certain concerns regarding participation in the process of preparation and discussion of the draft law. In particular, their dissatisfaction is related, on the one hand, to the degree of involvement at the initial stage of preparation of the draft law and, on the other hand, to the participation in parliamentary discussions and conducting the Parliamentary Committee sessions in an accelerated manner. PWDs, especially those living outside the capital, did not have an opportunity to duly influence the process and content of the bill, while only the small minority of recommendations proposed by the community to the Ministry of Justice were reflected in the draft submitted to the Parliament.

In addition, since most of PWDs were a risk group for COVID-19, they were not able to attend in person the parliamentary working meetings and hearings on the draft law.¹⁰³ The requests of civil society and the Public Defender to postpone hearings due to COVID-19 in order to facilitate the meaningful participation of PWDs were declined. The Parliament held only two remote meetings with OPDs and other stakeholders to discuss the law. The meetings were mostly informative rather than participatory.

101 Tamar Makharadze, Arbeiter-Samariter-Bund, Social Service Needs for PWDs, available at <http://dpo.ge/laravel-filemanager/photos/1/asb-research-final.pdf>

102 Interview with OPD Equal Participation Center, 30.05.21

103 Social Justice Center, available at <https://socialjustice.org.ge/ka/products/shshm-pirta-uflebebeze-momushave-organizatsiebi-da-aktivistebi-shshm-pirta-uflebebis-shesakh>

Participation of PWDs in elaboration of Annual Disability Inclusion Action Plans

The Law on the Rights of Persons with Disabilities obliges central and local authorities and administrative entities to create Annual Disability Inclusion Action Plans. However, according to organizations working on disability rights, elaboration of most of the Annual Disability Inclusion Action Plans took place without meaningful consultation with PWDs. As of May 2021, the Action Plans of 20 national-wide entities have been published. Out of them only five have reached out to the organizations working on the rights of PWDs to include them in the action plan elaboration process.¹⁰⁴ In the rest of the cases PWDs were informed once the plans had already been approved.

Voting rights of PWDs and disability inclusion participation mechanism with the Central Election Commission

The amount of PWDs voting at elections seems to be decreasing in Georgia. According to the estimations of the Central Election Commission of Georgia, in the Municipal elections of 2014 4,883 PWDs voted, while in 2017 - only 3,353. In the 2016 parliamentary elections 7,072 PWDs voted, in the following elections of 2020 - only 3,663.¹⁰⁵

The Central Election Commission of Georgia does not obtain official information on voters' disability status due to the restrictions imposed by personal data protection laws. The number of PWD voters are estimated from information received from polling stations, where the local staff register citizens as voters with disabilities based on visual observation or on their requests of assistive devices.¹⁰⁶ To ensure quality participation in the voting process for PWDs, the Commission addresses individual needs of voters with disabilities at the polling stations, where any voter can request assistive devices.

The space for the polling stations is traditionally provided by public schools, kinder-gardens, and other facilities in Georgia. Many of these buildings lack adaptation for PWDs. In 2020 across 30 majoritarian election districts of Georgia only 1,134 out of 3,657 polling stations were physically accessible/adapted for PWDs.¹⁰⁷

In order to provide equal accessibility of the electoral processes for PWDs and to promote their inclusion and participation in elections, the Central Election Commission established a Disability Inclusion Working Group in 2010. The working group consists of the representatives of the Commission. Representatives of the international and local non-governmental organizations, which have been

¹⁰⁴ These entities were the Ministry of Internal Affairs, the Ministry of the Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs, the High Council of Judiciary and the Regulatory Committee of Energy and Water Supply. See Human Rights Secretariat, available at <https://bit.ly/2Vq0hDk>

¹⁰⁵ Interview with the Head of Coordination, Logistics and Accountability Department, Central Elections Committee, 03.16.21

¹⁰⁶ Interview with the Head of Coordination, Logistics and Accountability Department, Central Elections Committee, 03.16.21

¹⁰⁷ Public Defender of Georgia, available at <https://bit.ly/3ytMt91>

working on the electoral rights of PWDs, may also be invited to the working group. The working group has no special quotas for PWDs or OPD representatives.

Since its establishment, the working group elaborated procedure rules for voting by persons without upper limbs; designed special voting frames for the blind voters allowing them to vote anonymously and proposed legislative amendments to ensure that political parties provide sign language interpretation for their election campaign advertising.¹⁰⁸

Participation of women with disabilities in civic and political life

Women with disabilities are underrepresented in Georgian public life, as well as in women's and PWDs' movements. Since the restoration of Georgia's independence in 1991, there have been three members of the Parliament who identify as PWDs. All of them were male.¹⁰⁹

In 2016 the Open Society Foundation funded study revealed that in all of the major women's rights organizations in Georgia only one woman with disability had been employed, while 20% of independent feminist group beneficiaries were women with disabilities.¹¹⁰ The same study showed that in membership-based organizations working on the rights of PWDs the number of female members ranged from 0 to 20% on average. Out of the total number of 125 employees across all membership-based organizations interviewed, only 15 identified as a woman with disabilities.¹¹¹

Women with disabilities are also underrepresented in relevant local self-government mechanisms. Only in 16 out of 50 Municipal Disability Councils were women with disabilities involved as Council members. Currently there are no women with disabilities in the Tbilisi Municipal Disability Council, while the city of Tbilisi is the capital and largest city of Georgia. In addition, no quotas or other affirmative action mechanisms are put in place to ensure participation of women with disabilities in the municipal gender equality consultative mechanisms.¹¹²

Participation of OPDs in decision-making processes

In 2020, the Law of Georgia on the Rights of Persons with Disabilities recognised the need to promote the activities of organisations representing PWDs. However, according to the interviewed OPDs, their participation in the decision-making process is low. OPDs complained that often information about decisions already agreed is communicated post factum. In other cases, the involvement is mostly of formal nature, and their views are not discussed and considered. OPDs argued that only in few exceptional cases have their comments and remarks been taken into account. Interviewees also raised concerns that national and local governmental bodies cooperate with just one coalition

108 Interview with the Head of Coordination, Logistics and Accountability Department, Central Elections Committee, 03.16.21.

109 Interview with OPD Equal Participation Center, 30.04.21

110 Open Society Foundation, available at <https://bit.ly/2VtnxA4>

111 Open Society Foundation, available at <https://bit.ly/3jue5Vg>

112 Interview with Ekaterine Skhiladze, Deputy Public Defender, 04.06.21

that brings together different groups of PWDs, although it does not include the majority of OPDs. Consequently, a large part of OPDs do not participate in the processes and their equal involvement is not ensured.¹¹³

Since Georgia does not have a unified database of OPDs or organisations working on PWDs, it is difficult to ensure the involvement of all interested organisations in decision-making processes and to ensure equal participation and determine whether the views of OPDs are prioritised.

The Public Defender of Georgia indicates the inadequate involvement of OPDs and organisations working on their rights in the process of preparing strategic documents on accessibility and decision-making.¹¹⁴ Georgian PWDs and OPDs addressed the problem of insufficient involvement in 2020 when they highlighted the lack of effective participation of PWDs in drafting the Law of Georgia on the Rights of Persons with Disabilities.¹¹⁵

- *Participation in SDGs implementation*

The UN Committee on the Rights of Persons with Disabilities calls on States to actively involve PWDs in monitoring the implementation of the Sustainable Development Plan at the national level and to consult closely with them through their representative organisations.¹¹⁶ However, PWDs and their organizations in Georgia are not proactively involved in monitoring the implementation of SDGs.

The Council for Sustainable Development Goals in Georgia, which ensures monitoring and implementation of SDGs in Georgia includes thematic working groups that are composed of local NGOs. At present, only one disability service providing organisation is represented in the working group. The group also includes one NGO working on the rights of PWDs.¹¹⁷ The lack of involvement of OPDs shows that the information about thematic groups is not properly disseminated, otherwise it is likely that more organizations would have expressed a desire to be involved in the SDGs implementation.

- *Participation in decision-making processes during COVID-19*

Since March 2020, the Georgian Government gradually began to introduce various restrictive COVID-19 measures, some of which negatively affected PWDs. To ensure their participation, authorities organized remote meetings on COVID-19 measures with OPDs.

OPDs welcomed the remote meetings, however raised concerns that information about imposed restrictions was often communicated to them after the entry into force of these restrictions and

113 Meetings were held with representatives of following OPDs: “Accessible Environment for Everyone”, 26.05.2021; “Union of the Deaf of Georgia”, 26.05.2021; “Union Woman and Reality”, 27.05.2021; “Georgian Blind’s Union”, 28.05.2021; “Down Syndrome Association of Georgia”, 28.05.2021.

114 Public Defender of Georgia, The Situation in Human Rights and Freedoms in Georgia 2020, p. 390

115 Social Justice Center, available at <https://rb.gy/o9k3um>

116 UN Committee on the Rights of Persons with Disabilities, General Comment N7, para. 94

117 Interview with the National Coordinator of SDGs, 31.05.2021

remote meetings did not serve the purpose of ensuring their proper participating.¹¹⁸ On a number of issues the needs of PWDs were not taken into account. For example, PWDs, including children with behavioural and autism spectrum disorders were not offered psychological assistance when placed in COVID-19 quarantine. Parents with children with behavioural and autism spectrum disorders were placed in quarantine instead of self-isolation. Even though in such cases it was possible to file a request on self-isolation, there were cases, when requests were denied without due argumentation.¹¹⁹

Key Findings on Participation of PWDs and OPDs:

- *Public authorities lack formal mechanisms to engage PWDs on a regular basis*
- *Existing participation mechanisms often have a formalistic nature*
- *The Public Defender's Office operates one of the most vocal and effective disability inclusion consultative mechanisms in the country*
- *Women with disabilities are underrepresented in Georgian public life, as well as in women's and disabled persons' movements*
- *OPDs are inadequately involved in decision-making processes*
- *OPDs lack involvement in the SDG policy implementation. The Council for Sustainable Development Goals in Georgia includes thematic working groups, but only one disability service providing organisation is represented there.*

VIII. CRPD-COMPLIANT BUDGETING AND FINANCIAL MANAGEMENT

Throughout 2019-2021 the appropriations for major disability related programmes¹²⁰ in Georgia have been increasing. Disability benefits of GEL 217.1 million were allocated for 126,002 PWDs as of December 2019; GEL 254.6 million for 126,638 PWDs as of December 2020 and GEL 88.2 million

118 Georgian Young Lawyers Association, "COVID-19 and the Rights of Persons with Disabilities", 2021

119 Public Defender of Georgia, Monitoring Report of Places of Restriction of Freedom relating to Quarantine Measures against Novel Coronavirus (COVID-19), 2020, available at <https://bit.ly/3mHs2iv>

120 These include appropriations for national capacities for medical care, physical rehabilitation and prosthetics, psychological support and social rehabilitation and education and economic empowerment for PWDs

for around 127,000 PWDs from January till April 2021.¹²¹ Inclusive education programme saw 42% increase over 2019-2021 from GEL 19.1 million in 2019 to GEL 20.2 million in 2020 and GEL 27.1 million in 2021. Social rehabilitation and childcare programme saw 26% increase over 2019-2021 from GEL 31.8 million in 2019 to GEL 37.4 million in 2020 and GEL 40 million in 2021.

Despite the increase, Georgia's disability-related spending cannot be safely treated as CRPD compliant as it lacks consistency and coherence. While budget spending might give an impression of being geared towards CRPD implementation, a closer examination reveals that at least ¾ of the disability-related spending would still have materialized had Georgia never ratified the Convention. (See Budget Appendix).

In addition, the current budgeting framework makes it hard to figure out the total of PWD-related expenditures or to show the types of functional spending that expenditure is directed to.

Unfinished transition towards results-based budgeting

Georgia's progress in reforming its public finance management system has not as yet translated into a genuinely results-based budgeting at the central level. Results-based budgeting is instrumental to effective budgeting for PWDs' needs.

One of the major limitations to putting results-based budgeting in place is that a sound medium-term and long-term planning and evidence-based decision-making, which are pre-requisites of results-based budgeting, are largely absent at either the central or local level. While a number of central government spenders have improved their programme budgets, no local government, except the Tbilisi government, has managed to enact results-based budgeting to date. As a consequence, local budget advocacy for PWDs seems to be more of a challenge than budget advocacy at the central level.

Another major limitation is that the government programme budget templates do not include critical detail, such as:

- *Inputs - the budget template includes output/outcome targets, which, more often than not, are not quantified or quantifiable, but it includes no inputs. Vaguely worded activities as detailed in programme budgets are a far cry from what inputs look like in countries with genuine results-based budgeting in place if only because they are not costed*
- *Unit of measurement, unit price, data source, frequency of measurement;*
- *Degree to which a measurement pertains to outputs vs. outcomes;*

¹²¹ Disability benefits increased by GEL 20 for 114,00 PWDs from January 2020; The first-degree disability benefits increased by GEL 30 from July 2020

- *Structural units of budget spenders responsible for PWD-related outputs/outcomes. Therefore, rather than indicate which spender is responsible (a ministry), the government budget needs to give detail of a division of the ministry responsible for any PWD-related outputs/outcomes.*

Many of the indicators specified in the templates are not related to clearly measurable objectives of budget programmes and do not actually relate to the outputs. They have failed to show whether services contribute towards meeting planned outcomes. This prevents monitoring and proper dialogue on the effectiveness of spending to support inclusion of PWDs.

Challenges in data collection and analysis

Georgia's budget is classified along functional, economic, line-item, administrative, and programmatic lines. The functional classification is the only tool for aggregating sectorial/thematic expenditures such as PWD-related expenditures. Its main purpose is to clarify how spending by the government contributes to social, economic and other objectives.

However, the quality of information is dubious, with many inconsistencies in the aggregation. The relations between budgeting, accounting for funds spent, and reporting by the State Audit Office and in the national public finance statistics are not clean-cut, disabling the link between policies and actual spending. This ultimately undermines both budget accuracy and accountability.

There is a lack of consistent accounting for and aggregation of expenditures for PWDs with discrepancies between budget documents. The ministries incur disability-related expenditures that are not only missing from their publicly available budgets, but no one keeps track of, apart from their accounting departments.¹²²

Examination of the state budget alone gives a very vague idea of PWD-related expenditures. It is difficult to tell how the budget helps to promote, protect and ensure the full and equal enjoyment of human rights and fundamental freedoms by PWDs.

There is little to no combined disaggregation of data by gender and disability, or by other vulnerable grounds, which prevents full assessment of public funding benefiting women with disabilities and other groups. The consultations as well as the ensuing correspondence with the ministries made it clear that most of the PWD-related expenditures are hardly included in the budget and when they are, the level of detail is sparse at best.

¹²² Some of GEL 40 million budget of Maternal and Child Health subprogram, for instance, does go to disability-related spending, even though no track is kept as to how much: as long as the subprogram expenses/expenditures are reconciled, i.e. add up to GEL 40 million, unsurprisingly, neither the spender, nor the State Audit Office care. Nor should they, given the limitations of the current budgeting/budget execution framework. The budgeting framework in place at the moment makes it impossible to figure out what the total of PWD related expenditures or, by the same token, answers to numerous other functional spending questions are, such as the total of expenditures related to teaching math in primary/secondary schools, healthy lifestyle, maternal and child health deinstitutionalization, etc. Therefore, total of spending on any of these is, effectively, the same question as total of spending on PWDs.

Unequal Distribution

Improvements in disability related spending have not been equally distributed. Based on the review of the existing budgetary data, it seems that among the groups of PWDs, persons with intellectual and psychosocial disabilities received the least support. Among the regions of Georgia, the most resources have been concentrated in Tbilisi, the capital with much less access to services outside the capital.¹²³

Key Findings on CRPD-compliant budgeting and financial management

- *Georgia increased disability-related spending in 2019-2021*
- *Georgia lacks genuinely results-based budgeting*
- *Challenges in data collection and analysis undermine budget accuracy and accountability*
- *Improvements in disability spending were not equally distributed: persons with intellectual and psychosocial disabilities and those in regions receiving the least support*

IX. ACCOUNTABILITY AND GOVERNANCE

Georgia has made some progress on ensuring accountability for the CRPD implementation. While Georgia lacks the CRPD implementation and coordination body, it has established a mechanism to monitor the CRPD implementation in 2014. Since 2016 Georgia successfully addressed some of the challenges mentioned in the alternative reports sent to the UN Committee on the Rights of Persons with Disabilities. In 2021, the Parliament of Georgia ratified the CRPD Optional Protocol.

However, data collection remains a significant challenge for good governance on the issues of PWDs and the CRPD implementation in Georgia. Statistics related to PWDs are not produced in accordance with international standards. The available statistics do not reflect fully either the number of PWDs, or their individual needs. Availability of accurate statistics on PWDs, indicating their individual challenges, is a key pre-condition for Georgia to design and implement targeted disability policies.

¹²³ Programme budget appendix to the 2021 Government of Georgia budget and 2021-2024 Basic Data and Directions

National Monitoring Mechanism

According to CRPD, State Parties should maintain, strengthen, designate or establish within the country the framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the Convention.¹²⁴ In 2014 the Office of the Public Defender of Georgia was designated as the CRPD promotion, protection and implementation body. The CRPD monitoring mechanism within the Public Defender's Office includes the Department of Protection of the Rights of PWDs and the Consultative Council for promoting, protecting, and implementing CRPD.

The Public Defender's Office monitors the legal status of PWDs and their rights and responds to violations. In case of confirmation of the rights violation, the Office prepares a draft proposal or recommendation to relevant state authorities and local self-government bodies, public institutions and officials.¹²⁵ It also monitors the implementation, promotion, and protection of the CRPD and raises public awareness to promote the fundamental rights and freedoms of persons with disabilities in Georgia.¹²⁶

Courts

The Constitution of Georgia guarantees the right of everyone to apply to courts to protect their rights.¹²⁷ According to the Law on Elimination of All Forms of Discrimination, PWDs can apply to courts if they believe that they have been discriminated against based on their disability status.¹²⁸

Despite advanced legislative guarantees, access to courts is limited for PWDs due to the lack of accessibility. According to the 2019 Council of Europe study assessing the accessibility of court buildings for PWDs in Georgia, only few court buildings had accessible services for PWDs. For persons with sensory disabilities almost none of the court buildings were accessible.¹²⁹

State Reports

Georgia submitted a report on the implementation of CRPD to the UN Committee on the Rights of Persons with Disabilities in 2016. The Committee has not yet reviewed the report. The Public Defender's Office, OPDs, and organisations working on PWD rights submitted alternative reports to the Committee.

The authorities have since addressed some of the challenges identified in the alternative reports. For example, the Public Defender's alternative report called on the State to refuse considering the

124 Article 33.2

125 Article 21.B, Law of Georgia on Public Defender of Georgia

126 Article 26.5, Statute of the Public Defender's Office

127 Article 31, Constitution of Georgia

128 Article 10, Law of Georgia on Elimination of All Forms of Discrimination

129 Council of Europe, *Assessing Access to Court Buildings for People with Disabilities*, 2019, p. 13

reasonable accommodation as a form of discrimination.¹³⁰ Back then the Georgian legislation was not familiar with the concepts of “reasonable accommodation” and “universal design”.¹³¹ Following the adoption of the Law on the Rights of Persons with Disabilities, reasonable accommodation was recognised as a way to ensure the elimination of discrimination.¹³² The law also obliged the administrative bodies to ensure the introduction of universal design of existing and under-construction buildings and other infrastructure. In the alternative report, the organisations called on the State to ratify the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities.¹³³ In 2021, the Parliament of Georgia ratified the Optional Protocol.

Data collection

According to the UN Committee on the Rights of PWDs, States Parties should establish a unified data-collection system to collect quality, sufficient, timely, and reliable data disaggregated by sex, age, ethnicity, impairment type, and socio-economic status, as well as access to the rights enshrined in the Convention.¹³⁴

The Government Action Plan on Providing Equal Opportunities for Persons with Disabilities for 2014-2016 envisaged the creation, development and improvement of individual database of PWDs in Georgia, in particular, improvement of statistical production methodologies, including information gathering and research according to international practice. However, the production of disability statistics in Georgia in 2016 was still limited to recording the total number of PWDs in the process of the general population census.¹³⁵

According to the National Statistics Office of Georgia, in the 2014 census and the subsequent national surveys the total number of PWDs was registered, but only on the basis of self-identification. The methodology to ensure complete and precise information gathering about PWDs and their needs has not yet been developed.

In other thematic surveys by the National Statistics Office, data of PWDs are not processed. For example, a study on students who have dropped out of school includes quantitative data only with the indication of gender. In addition, information about children with disabilities is not reflected in the study on public preschools.¹³⁶

Statistics on PWDs is also produced by the Social Service Agency of Georgia according to the number of social packages and other state benefits. These data, however, are inaccurate, as when persons who receive disability benefits retire, they are included into general retirement package statistics.

130 Alternative Report of the national institute of human rights - Public Defender (Ombudsman) submitted to the UN Committee on the Rights of Persons with Disabilities, 2017, p. 11

131 Article 2, Law on the Rights of Persons with Disabilities

132 Article 21, Law on the Rights of Persons with Disabilities

133 Alternative Report to UN Committee on the Rights of Persons with Disabilities with regard the first periodic report, 2018, p. 10

134 UN Committee on the Rights of Persons with Disabilities, General Comment N7, para. 91

135 Public Defender of Georgia, Rights of Persons with Disabilities in Georgia, 2016, p. 15

136 National Statistics Office of Georgia, available at <https://bit.ly/3juoX5B>

The importance of producing full and comprehensive statistics on PWDs was particularly evident during the COVID-19 pandemic. For example, the authorities did not have statistics on PWDs living alone. This made it impossible to identify such individuals and meet their particular needs.

As a positive step, the annual disability Action Plan developed by the National Statistics Office in 2021 aims to produce and disseminate additional statistical indicators on PWDs. These include identification of existing and potential administrative sources and data about PWDs and development of the processing forms of statistical data.¹³⁷

The website of the National Statistics Office is not adapted for PWDs, and the statistics are not available in a format accessible to them. The annual disability Action Plan of the National Statistics Office aims to address this challenge and improve access to statistics for PWDs by adapting the website by the end of 2021.¹³⁸

Key Findings on Accountability and Governance

- *The Office of the Public Defender of Georgia acts as the CRPD promotion, protection and implementation body*
- *Access to courts is limited for PWDs due to the lack of infrastructure accessibility*
- *Data collection remains a significant challenge for CRPD implementation*
- *Georgia has not developed a methodology to ensure complete and precise information gathering about PWDs which negatively impacts good governance and accountability*

137 N21 Order of the Executive Director of the National Statistics Office of Georgia on the adoption of the yearly Action Plan defined by the Law of Georgia “on the Rights of Persons with Disabilities”

138 National Statistics Office of Georgia, available at <https://rb.gy/8imrhf>

ANALYSIS OF FINDINGS

While Georgia has been eager to introduce advanced legislation to protect the rights of PWDs in line with the CRPD requirements, this has not always been followed with relevant changes in policy and practise or the relevant funding allocations. PWDs in Georgia continue to face challenges in everyday life including in employment, health, and education due to social stigma and stereotypes, and the lack of accessible infrastructure and services.

Interviews with local OPDs showed that the shortage of adequate disability services and the lack of accessibility are critical impediments for the social inclusion of PWDs in Georgia. Most of the public and private infrastructure, services and information in Georgia are not accessible and PWDs face physical and sensory obstacles in all aspects of their lives. Disability services are insufficient in quantities and qualities. Appropriate services, when they exist, lack geographic coverage and fail to equally include elderly, those with intellectual and mental health disabilities and PWDs outside the capital cities.

The findings indicated that many of the disability projects that are implemented in Georgia are done so without robust monitoring, reporting and evaluation systems. This is particularly true in the case of accessibility infrastructure projects, which often result in low quality adaptations that fail to serve the needs of PWDs. Without effective monitoring and evaluation processes any disability regulation or standard will remain largely declaratory in nature and might not be followed by long-term positive impact.

The analysis revealed that some of the key disability related reforms in Georgia are not fast and comprehensive enough. For example, despite plans to fully transition to the social model of disability assessment, the system has not yet moved away from the medical model and still does not consider an impact of impairment on functioning and participation of PWDs. Consequently, the state does not have sufficient evidence and opportunity to develop needs-based social protection system in the country.

One of the main impediments for effective implementation of CRPD in Georgia is that the country still lacks the CRPD coordination and implementation body, albeit Georgia is in the process of establishing such a mechanism. Now is the key opportunity to lobby for the new mechanism to be well-designed in terms of its composition, functions and mode and effective in practise to ensure better coordination and implementation of CRPD by various national and local bodies. Shortcomings from 2014 when the Interagency State Coordination Council was established as a less effective coordination mechanism must also be taken into consideration.

The analysis showed that OPDs and PWDs are not adequately involved in decision-making processes. When involved, their participation is not meaningful and effective. This is even though OPDs and other NGOs in Georgia play an important role in service provision considering the insufficient and

low-quality state services, as well as in disability related advocacy efforts. The lack of participation affects the quality of decisions taken in Georgia on the rights of PWDs. The importance of the participatory and inclusive process in achieving social justice for PWDs is of paramount importance. The right to participate is not only a “stand alone” right but is a vital precondition for all other fundamental rights. Thus, Georgia needs to establish new participatory mechanisms and reform existing ones. The positive experience of the Public Defender’s Office as an effective participation mechanism could be used as a model for other participatory bodies.

The Government lacks relevant data to shape and monitor its policies. Because there is no data, the state is not aware of evidence-based needs of PWDs. This results in inaccurate quantitative data on PWDs and the lack of knowledge on what necessary interventions are needed to implement CRPD in Georgia. There is an urgent need to develop a methodology for complete and precise information gathering about PWDs to ensure good governance. The National Statistics Office of Georgia, as well as other relevant public bodies must establish a unified data-collection system to collect quality disaggregated data on PWDs. The soon to be established CRPD coordination and implementation body must play a key role in coordinating data sharing between different agencies and ensure that Georgia’s disability related policies and spending are data based.

Last but not the least, the findings showed that the increased funding for disability programmes in Georgia has not resulted in visible impact in terms of improving daily lives of PWDs. Even though the Government of Georgia switched to results-based budgeting in 2012, the practice has plenty of room to improve as some government ministries underperform. Any transition to the arrangement needs to be open to trial and error and experimenting on a small scale. Piloting PWD related results-based budgeting by major PWD spenders is how this practice can best be implemented. This way, Georgia can ensure that finances spent on disability programmes contribute to the planned outcome and serve the needs of PWDs.

X. CONCLUSION AND RECOMMENDATIONS

The present analysis showed that the Government of Georgia has undertaken a number of obligations to better ensure fundamental rights for PWDs. Some of these obligations have been implemented, including reforming laws, regulations and standards to advance disability rights and eradicate discriminatory laws, introducing supportive mechanisms for inclusion of PWDs into society, establishing inclusive education and providing social assistance and healthcare programmes for those in need. Despite these reforms, serious challenges remain in Georgia when it comes to protecting, ensuring and promoting the rights of PWDs. Georgia still has not established a functioning CRPD implementation and a coordination mechanism. Therefore, disability policy

development and implementation in Georgia often underperform and lack coordination. As a positive step, the government has started working on the establishment of the agency responsible for the CRPD implementation and a coordination mechanism. It is yet to be seen when this mechanism is established and how it is operationalised in practise.

Unlike the coordination and implementation mechanism, Georgia has a vocal CRPD monitoring body. The Public Defender's Office is designated as the CRPD monitoring body and it also operates one of the most effective disability inclusion consultative mechanisms in the country.

There is a visible local disability activism in Georgia. Georgian OPDs actively cooperate with civil society, the Public Defender's Office and international organisations, and they are important stakeholders when it comes to lobbying and monitoring the CRPD implementation. However, Most of PWDs and OPDs expressed concerns that their participation is limited in decision making. Public authorities lack formal mechanisms to engage PWDs on a regular basis and those mechanisms that exist, often have a formalistic nature

Lack of accessibility remains a key challenge for PWDs in Georgia. PWDs face physical and sensory obstacles in all aspects of their lives. Most of the public and private infrastructure and services and information are not accessible. Georgia introduced new accessibility regulations and standards. However, because comprehensive monitoring, reporting and evaluation systems for accessibility projects are absent, little is done to implement those standards.

Georgia is in the process of moving towards a social model of disability, establishing supporting services and de-institutionalisation. However, currently, the country offers limited social care and support for PWDs: Insufficient financial resources result in insufficient quantities and qualities of disability services. Responsibility of caring for those unable to care for themselves and the indirect additional costs of disability usually fall on a family.

Certain groups within PWDs are the most vulnerable. Children with disabilities face barriers to access education, such as the lack of accessible infrastructure, transportation and supportive devices. Health barriers disproportionately affect women and girl PWDs, in particular on accessing sexual and reproductive health services. Older PWDs, those living in regions and those with intellectual and mental health disabilities lack appropriate services.

Georgia increased disability-related spending in 2019-2021, however, Georgia lacks genuinely results-based budgeting and challenges in data collection and analysis undermine budget accuracy and accountability.

Data collection remains a significant challenge not only for budget accuracy and accountability, but also for CRPD implementation at large. Georgia has not developed a methodology to ensure complete and precise information gathering about PWDs which negatively impacts good governance and accountability. Data is fragmented and agencies do not share between each other data, nor is a relevant analysis done on the data to formulate new policies.

Therefore, there is an urgent need for effective national policies and concrete plans of action to protect, ensure and promote the rights of PWDs in Georgia and to create an inclusive society where disability is not a ground for exclusion.

RECOMMENDATIONS

The following recommendations are based on the findings of the present analysis and include all key areas of preconditions for disability inclusion. The recommendations are addressed to the UN agencies and their development partners in Georgia with the aim that they will assist, support, and advocate to the Georgian authorities to ensure greater inclusion of PWDs in the policy process as well as support integration of their rights in the development agenda of the country.

It is essential that these recommendations are carried out in a way that guarantees the effective participation of local OPDs and PWDs. The UN, other development partners and the Georgian authorities must closely consult with and actively involve OPDs and PWDs in all decision-making processes related to the implementation of these recommendations.

The UN agencies and their development partners in Georgia should:

Equality And Non-Discrimination

- *Support the Parliament of Georgia to amend the Law on the Rights of Persons with Disabilities and ensure that people with intellectual and psychosocial disabilities are fully and explicitly covered by the Law on the Rights of Persons with Disabilities to ensure their interests and needs are specifically addressed;*
- *Assist the Government of Georgia, the Parliament of Georgia and the Judiciary to clearly define “disproportionate” or “undue burden” under the reasonable accommodation principle;*
- *Support the Parliament of Georgia, namely the Health and Human Rights Committees to remove discriminatory language from the healthcare legislation;*
- *Assist the Government of Georgia with the establishment of disability sensitive health sector including sexual and reproductive services, by reviewing and updating relevant standards of medical practice and education and training materials.*
- *Assist the Government of Georgia and relevant line ministries to initiate, implement and engage in public awareness campaigns to tackle widespread social stigma and prejudice against PWDs in Georgia.*

Disability Assessment and Inclusive Service Delivery

- *Provide technical assistance to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs in developing a comprehensive roadmap for the institutionalization of the biopsychosocial model of disability assessment and status determination system as per the requirement of the CRPD and the Law on the Rights of Persons with Disabilities;*
- *Assist the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs to strengthen the capacity of professionals involved in the disability status determination;*
- *Support the Government of Georgia in ensuring reasonable accommodation for PWDs at all stages of the disability status determination process, through: considering meaningful participation of PWDs in the assessment of functioning and environmental factors; provision of information about the new easement model in accessible format; involvement of sign language therapist, speech therapist and other relevant professionals; informing PWD on the results of assessment and decision about disability status; ensuring the right to appeal the decision on status determination.*
- *Assist the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs to ensure availability and accessibility of disability status determination for all PWDs in every region of Georgia through facilitation of cooperation between the Ministry, regional health-care facilities and PWDs community to help healthcare facilities commit to becoming part of new status determination system and hire relevant professionals;*
- *Support the relevant ministries, including the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs and the Ministry of Education and Science, to create and collect disaggregated data on PWDs together with local municipalities and develop effective data-evidenced disability support policy;*
- *Assist the Government of Georgia together with the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs and local municipalities to conduct the needs assessment to identify real service needs, including the needs for assistive technologies, of PWDs.. Based on the assessment the Government of Georgia should elaborate and implement disability support services for all groups of PWDs without “leaving no one behind”;*
- *Support the Government of Georgia to decentralise disability support services to ensure geographical accessibility for all PWDs in the municipalities of Georgia through establishment of new service providers and capacity building efforts for local self-governments;*

- *Support the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs to develop the deinstitutionalisation strategy and action plans for closure of all residential institutions for PWDs in Georgia with the participation of OPDs and other non-state stakeholders;*
- *Assist the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs to develop and implement independent living support programmes for PWDs in cooperation with local municipalities;*

Accessibility

- *Support the local self-governments and relevant national governmental bodies to increase annual funding for accessibility projects in order to improve the accessibility of public spaces, including outdoor environments and new and existing buildings, especially those used for educational, health, administrative, and cultural purposes;*
- *Support the implementation of comprehensive monitoring, reporting and evaluation systems for accessibility infrastructure projects. This should primarily be achieved through capacity building of relevant national and local self-government monitoring bodies and the elaboration of monitoring and evaluation guidelines;*
- *Support the Ministry of Economy and Sustainable Development, the Ministry of Regional Development and Infrastructure and local self-governments to review and improve transport policy and ensure that public transport is accessible by introducing inclusive transport strategy and action plan in line with the national legislation and international good practice;*
- *Support the Parliament of Georgia to adopt the law on web and mobile application accessibility and support the Government of Georgia to incorporate the EU Web Content Accessibility Guidelines (AA standard) into national legislation to increase accessible services and information;*
- *Support the Ministry of Economy and Sustainable Development to ensure the full access to the Georgian National accessibility standards by disseminating and translating all national accessibility standards, including bylaws, into Georgian language;*
- *Support the National Civil Service Bureau, the Ministry of Economy and Sustainable Development, and local self-governments to enhance the qualification of civil servants by developing and delivering accredited training programs and developing guidance resources on national accessibility standards/regulations, Universal Design, access audit methodology and digital accessibility.*

Participation of PWDs and OPDs

- *Support the public entities with consultative mechanisms, including the Council for Sustainable Development Goals, to ensure the involvement of PWDs and OPDs in all relevant decision-making and policy-making processes. They must ensure that those who are not formal members of such mechanisms can freely submit their opinion and comments;*
- *Provide OPDs with capacity building support to meaningfully participate in the formulation of disability inclusive planning, implementation and monitoring of SDGs;*
- *Support all public entities to designate disability inclusion focal points;*
- *Support all Municipal Disability Councils to include OPD representatives as their members;*
- *Support the Government of Georgia to create a guideline of standards for the participation of OPDs and PWDs in decision-making processes. This guideline should be used by all relevant consultation mechanisms and public authorities to ensure the proper participation of OPDs and PWDs;*
- *Support the Public Defender of Georgia to disseminate the knowledge around the principles of CRPD and the Human Rights Based Approach to disability policy among civil servants and OPDs engaged in consultative mechanisms.*

CRPD-Compliant Budgeting and Financial Management

- *Assist the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, the Ministry of Education and Science, the Ministry of Regional Development and Infrastructure and the Ministry of Justice to fully transition towards results-based budgeting on a pilot basis by*
 - *disaggregating PWD related spending by disability, gender, age, and disability severity;*
 - *identifying measurable and time-bound outputs;*
 - *tying budget execution reporting by the line ministries to measurable outputs and outcomes;*
- *Support the Government of Georgia in aligning the PWD related expenditures to the obligations under the CRPD and the Law on the Rights of Persons with Disabilities;*
- *Support the Government of Georgia to address unequal distribution of funds for services, including by increasing service provision outside the capital and for those with intellectual and psychosocial disabilities.*

Accountability and Governance

- *Provide technical assistance to the Administration of Government of Georgia in the establishment of the CRPD implementation and coordination mechanism, the capacity building of its members and the implementation of the commitments undertaken by the committee in the working process. The Government Administration must ensure that the mechanism has appropriate human and financial resources at its disposal.*
- *Support the Parliament of Georgia to define within the Law on the Rights of Persons with Disabilities the obligation of relevant agencies to develop the registration rules for and identification criteria of OPDs and produce statistics of the registered OPDs;*
- *Support the National Statistics Office of Georgia to ensure compliance of its methodology on the production of statistics related to PWDs with international standards;*
- *Support the all relevant public authorities, including the National Statistics Office, to ensure dissemination of statistics related to PWDs in an accessible format.*

ANNEX 1 DISABILITY SUPPORT SERVICES BY MUNICIPALITIES

N	Municipality	Children with disabilities	Person with disabilities (Severe)	Person with disabilities (significant)	Person with disabilities (moderate)	Person with disabilities	Early childhood development program	Day centre for children with disabilities	Day center for person with disabilities	Rehabilitation	Autism
1	Tbilisi	3 918	7294	16 208	2785	30205	845	242	431	X	X
2	Lanchkhuti	118	326	1 245	112	1801					
3	Ozurgeti	180	570	1 224	193	2167	20	25			
4	Chokhatauri	70	165	458	66	759		20			
5	Ambrolauri	18	109	272	29	428		20			
6	Lentekhi	19	64	263	32	378					
7	Oni	6	58	101	17	182					
8	Tsageri	18	103	293	48	462					
9	Akhmeta	52	248	637	170	1107					
10	Gurjaani	196	466	1 360	196	2218		14	33	X	
11	Dedoplistkaro	44	134	346	60	584				X	
12	Telavi	139	407	1 064	176	1786	120	23	38	X	
13	Lagodekhi	180	397	1 460	165	2202	15	20		X	
14	Sagarejo	125	283	698	145	1251		15		X	
15	Signaghi	65	267	488	89	909		19			
16	Kvareli	114	258	744	75	1191					
17	Bagdati	71	298	759	147	1275					
18	Vani	64	244	774	60	1142		10			
19	Zestaponi	162	485	1 331	211	2189	40	40	30		

20	Terjola	94	406	1 077	150	1727		26				
21	Samtredia	129	381	870	102	1482		16				
22	Sachkhere	126	389	1 171	162	1848		18				
23	Tkibuli	40	205	511	112	868						
24	Kutaisi	583	1742	3 928	382	6635	200	75	70	X	X	
25	Tskaltubo	140	543	533	196	2412						
26	Tchiatura	85	447	1 095	153	1780						
27	Kharagauli	68	184	544	102	898						
28	Khoni	60	210	700	70	1040		13	14			
29	Dusheti	75	244	625	128	1072						
30	Tianeti	28	71	170	23	292						
31	Mtskheta	120	300	828	152	1400		45	28			
32	Kazbegi	7	22	45	10	84						
33	Abasha	53	161	552	77	843		8				
34	Zugdidi	298	1004	2 184	307	3793	65	14		X	X	
35	Martvili	125	401	1 410	106	2042						
36	Mestia	37	89	189	39	354	10	10				
37	Senaki	103	320	996	119	1538		15	20			
38	Poti	111	330	618	107	1166		25				
39	Tchkorotsku	62	161	544	92	859		20				
40	Tsalenjikha	59	259	599	89	1006		15				
41	Khobi	69	241	674	62	1046						
42	Adigeni	36	155	363	64	618						
43	Aspindza	30	78	212	37	357						
44	Akhalkalaki	79	229	592	104	1004						
45	Akhaltsikhe	98	330	623	89	1140	20					
46	Borjomi	82	225	563	132	1002	40	30	10	X		

47	Ninotsminda	48	114	337	44	543					
48	Bolnisi	182	359	793	123	1457		20			
49	Gardabani	240	484	948	147	1819					
50	Dmanisi	47	133	381	38	599					
51	Tetritskaro	42	108	288	46	484					
52	Marneuli	336	709	1 315	223	2583	35	20		X	
53	Rustavi	384	785	1 713	347	3229	80	15	44	X	X
54	Tsalka	36	88	281	42	447					
55	Gori	305	940	2 477	628	4350	90	30	30	X	
56	Kaspi	87	311	810	228	1436		20			
57	Khareli	107	290	819	208	1424		25			
58	Khashuri	155	515	1 466	244	2380		20			
59	Batumi	685	1357	2 725	303	5070	85	50		X	X
60	Keda	60	233	612	100	1005					
61	Kobuleti	274	840	1 967	284	3365	55			X	
62	Shuakhevi	70	320	734	106	1230		30			
63	Khelvachauri	242	700	1 516	263	2721					
64	Khulo	107	346	1 156	338	1947					
	Sum	11763	29935	73 279	11654	126631					

ANNEX 2 BUDGET APPENDIX

CRPD-Compliant Budgeting and Financial Management: Budget Appendix

The present budget appendix is largely descriptive, albeit in a manner that helps to flesh out how improving PWD budgeting can improve their lives, by

- *informing PWD related inputs*
- *identifying PWD related outputs and outcomes based on these as well as other relevant data*

1. Distribution of PWD related expenses/expenditure categories by spenders: Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs

SOCIAL PROTECTION/ASSISTANCE

- *Social assistance package (total budget and number of persons covered)*
- *Awareness, accessibility and non- discrimination*
- *Subsistence allowance (total budget and number of persons covered)*
- *Social rehabilitation and childcare including reintegration allowance for children (total budget and number of persons covered)*
- *Day care centers (total budget and number of children covered)*
- *Untaxed income (total budget and number of persons covered)*
- *Various PWD discounts covered by the ministry (total budget and number of persons covered)*
- *Cost of Disability assessment (total budget and number of persons covered)*

INDEPENDENT AND COMMUNITY LIVING

- *Group homes (total budget and number of persons covered)*
- *Residential institution (total budget and number of persons covered)*
- *Foster care for children with disabilities (total budget and number of persons covered)*

HEALTH

- *Awareness, accessibility and non-discrimination*
- *Assistive devices (number, type and total cost per year)*
- *Early detection and intervention (total budget and number of persons covered)*
- *Medical rehabilitation of children (total budget and number of persons covered)*
- *Subsidized insurance / UHC (total budget and number of persons covered)*
- *Psychiatric hospital (total budget and number of persons covered)*
- *Community based mental health centre (total budget and number of persons covered)*
- *Rare diseases related support (total budget and number of persons covered)*

EMPLOYMENT

- *Awareness, accessibility and non-discrimination*
- *Grant for social entrepreneurship for persons with disabilities*
- *Support to salaries for employment of persons with disabilities (total budget and number of persons covered)*
- *Internship scheme (total budget and number of persons covered)*
- *Vocational skills short-terms schemes (total budget and number of persons covered)*
- *Job coach (total budget and number of persons covered)*

MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORTS

Detailed breakdown of:

- more than 1,400 schools that have children with special educational needs by region, district, school, year, number of children with special educational needs and number of specialized teachers,
- more than 20 higher education institutions by region, district, number of students with special educational needs.
- *Awareness, accessibility and non-discrimination*
- *Budget for special schools – (total budget and number of persons covered)*
- *Financial support for inclusion: total budget, number of schools benefiting*
- *Exemption from schools / university fees (total budget and number of persons covered)*
- *Vocational education*
- *Awareness, accessibility and non-discrimination*
- *Paralympic activities*
- *Youth with disabilities related programs*

MINISTRY OF JUSTICE

- *Awareness, accessibility and non-discrimination*
- *Discount on legal aid for persons with disabilities*
- *Waivers for court fees*
- *Discounts for museum, sports and cultural activities*

The main spenders are, unsurprisingly, the Ministry of Healthcare followed by the Ministry of Education and Science. The other ministries' spending on PWDs is ad-hoc and piecemeal focused on awareness raising, accessibility and non-discrimination. The Ministry of Justice, the Ministry of the Internal Affairs and the Ministry of Environmental Protection and Agriculture all incur PWD related expenditures even though they are not running any dedicated PWD related budget programs/

subprograms. However, while findings showed that, in part thanks to donors' funds, there has been a significant increase in the PWD related spending over the last 5 years, the level of allocation is not substantial enough to ensure that the programs and services of the ministries are accessible to all PWDs.

Overall, over the last 5 years PWD related spending has been on the rise in both the absolute value and as the percentage of GDP reaching closer to 1% of GDP.

While there has been some progress in recent years, there is still a significant lack of disability awareness of divisions/branches/agencies within the ministries and municipalities that do not have primary responsibilities for services for PWDs. In addition, the legal and regulatory frameworks do not yet clarify the obligations across the ministries and the public financial management system that would ensure accessibility and non-discrimination for PWDs (for instance in public procurement).

2. GAPS TO ADDRESS

2.1. Data Gaps

Some of the data that need to inform PWD related budget inputs as well as outputs and outcomes and thus improve budgeting for PWDs are given in Table 1-3 (See excel spreadsheets), viz., breakdown by four major disability categories, viz., visual impairments, hearing impairments, motor impairments, and cognitive impairments with indications of degrees of disability (moderate, severe, profound) put together by the National Statistics Office of Georgia following the 2014 census, which has not been updated since. The breakdown, however, needs to be complemented with types of disabilities that are critical to bringing it closer to the internationally tracked eight categories of disability, viz., acquired brain injury, autism spectrum disorder, physical disability.

2.2. Responsibility for Budgeting

The ministries opt for broadly worded rather than measurable outputs/outcomes related to PWD inclusion, participation, etc that they might set out to achieve with the funds they are requesting, as detailed in the CRPD-compliant budgeting and financial management chapter of the report. The situation is exacerbated by local governments' municipal social protection/healthcare services having no responsibility for developing their results-based budgets. Instead, local finance services fill in the blanks, while they have no social protection/healthcare expertise.

Below we give some of the broadly worded PWD related inputs in the 2021 Government of Georgia budget and as well as related outputs/outcomes, which are either largely missing or completely unmeasurable:

2.2.1. Program for Social Protection (27 02)

- *Help the target social groups and socially vulnerable persons with disabilities (including children), the elderly and the indigent realize socio-economic rights guaranteed to the citizens by the legislation of Georgia*
- *Improve physical and social condition of homeless and at-risk children*
- *Integrate them into the wider society through preventive, rehabilitation, alternative, family support services and support facilities*

2.2.1.1. Sub-Program for Social Rehabilitation and Child Care (27 02 03)

- *Improve physical and social conditions of persons with disabilities (including children), the elderly, children deprived of care, homeless children and those at risk of abandonment to subsequently integrate them into society*
- *Provide support for deinstitutionalization and the prevention of institutionalization*
- *Support & strengthen existing services*
- *Assist families with children in crisis*

2.2.1.2. Provision of State Care, Protection and Assistance to Victims of Human Trafficking (27 02 05)

- *Create conditions close to the family environment for the elderly, people with disabilities and orphans, day care, meals, primary medical care & treatment*
- *Organize medical rehabilitation, with proper care for beneficiaries' privacy*

2.2.2. Labour and Employment Reform Program (27 05)

- *Register jobseekers*
- *Counselling jobseekers*
- *Design/provide related services through promotion of employment of persons with disabilities and special needs, including women*

2.2.3. Preschool and General Education (32 02)

2.2.3.1. Providing transportation to public school students (32 02 10)

for elementary and middle school students with disabilities

2.2.4. Inclusive Education (32 06)

- *Improve tuition of students with special educational needs in public schools by providing them with appropriate services at all levels of education*
- *Ensure that educational process conforms with individual needs of students*
- *Promote inclusion of persons with special educational needs and disabilities in vocational education*
- *Provide quality vocational education tailored to individual needs*
- *Help schoolchildren and students with special educational needs, IDPs, repatriated and national minority communities socialize*
- *Plan and implement community activities*
- *Provide full-day services for students at special educational needs schools (resource schools)*
- *Facilitate education of students with special educational needs*
- *Help students with special educational needs develop academic, functional and social skills through services designed for their age group and abilities*
- *Supplement salaries of teachers of students with special educational needs*
- *Pay administrative staff to support inclusive education in public schools*

2.2.5. Preservation of cultural heritage and improvement of the museum system (32 10)

- *Integrate PWDs in the cultural life of the country*
- *Develop action plans to implement the Culture Strategy – 2025*
- *Take measures to promote cultures of national minorities, as well as integrate PWDs in the cultural life*
- *Restore cultural heritage sites & monuments of historic and cultural value*

2.2.6. Promoting Cultural Development (32 09)

- *Promote cultural life in Georgia*
- *Support participation of ethnic minorities and PWD-s*

2.2.7. Office of the Public Defender of Georgia (41 00)

- *Monitor legal status of persons with disabilities*
- *Promote effective state PWD policy and advocate for their interests*
- *Monitor compliance with the requirements of the UN Convention on the Rights of Persons with Disabilities*

2.3. Government of Georgia Budget Comprehensiveness

There are numerous commitments scattered across applicable legislation and government strategies/international treaties and their action plans that are forgotten/not reflected in either the national or local budgets, which means they are not very likely to be ever implemented. The best way to remind any tier of government about these commitments is to integrate these into programme budgets, e.g. commitments in the CRPD.

2.4. Effective Budget advocacy by OPDs: Budget Calendar

The role of public finance management advocacy by OPDs in European democracies as well as the wider PFM advocacy by CSOs in Georgia makes it clear that it holds out a promise to improve the lives of PWDs that no government intervention can.

Budget advocacy by OPDs should start on March 12 when the ministries start setting up Basic Data and Directions task force to draft the following year's document of Basic Data and Directions, which is Georgia's medium-term expenditure framework, and gather pace July through September before the executive budget proposal is submitted to the legislature. The executive budget proposal is submitted to the legislature before October 1. Although OPDs can carry on their budget advocacy until the budget is finally approved by the legislature in late November or early December, we can safely assume the window of opportunity is not as wide open after October 1 as before the date. After October 1 OPDs will have to work with the parliamentary committees rather than the government

directly before the third submission of the executive budget proposal by the government to the legislature.¹³⁹

3. DONORS

Major disability donors to date have been:

- *USAID supporting awareness raising and promotion of inclusion of PWDs; protection of children with disabilities, implemented by UNICEF, development of community-based services as part of deinstitutionalization process for children with disabilities; Physical Rehabilitation in Georgia (SPRING)*
- *European Union supporting PWDs: Equal Opportunities for PWDs; Accessible parliament with the support of UNPD; disability mainstreaming in different programs*
- *World Bank supporting PWD employment programs*

139 No substantive changes can be made to the third submission of the executive budget proposal.



SITUATION ANALYSIS ON THE RIGHTS OF PERSONS WITH DISABILITIES IN GEORGIA