



29/06/2024

EUROPEAN SOCIAL CHARTER

Comments submitted by
the Office of the Public Defender
concerning the Ad hoc report on the cost-of-living crisis
submitted by
THE GOVERNMENT OF GEORGIA

Comments registered by the Secretariat

On 29 June 2024

CYCLE 2024



**Alternative report on the Ad Hoc Report on the Cost-of-living Crisis
submitted by the Government of Georgia**

Prepared and submitted by Public Defender of Georgia (NHRI)

2024

Introduction

1. The Public Defender’s Office of Georgia (hereinafter the PDO) hereby presents to the European Committee of Social rights (hereinafter the European Committee) an alternative report on the Ad Hoc Report on the Cost-of-living Crisis submitted by the Government of Georgia (hereinafter the Ad Hoc Report). The PDO’s alternative report comments on the information contained in the Ad Hoc Report in response to the European Committee’s questions¹ and addresses other matters that may also be relevant for the European Committee within the ad hoc reporting procedure.

Comments on the Ad Hoc Report’s Replies to Questions N1-4

Minimum wage regulations

2. The Ad Hoc Report refers to the N351 Ordinance of the President of Georgia that was adopted in 1999 and determined 20 GEL as the monthly minimum wage “applicable nationwide, across all sectors of activity, and to all full-time workers, irrespective of age or occupation”.² As the Ad Hoc Report itself states,³ the wage amount stipulated by the Ordinance has not changed, despite passage of more than 2 decades and socio-economic changes during this period. Against this background, it is obvious that 20 GEL as a monthly minimum wage cannot ensure a decent living.

3. The Ad Hoc Report also refers to the sectoral minimum hourly wage introduced for doctors and nurses by the N36 Ordinance of the Government of Georgia.⁴ The Ad Hoc Report also mentions that the coverage of the minimum wage was planned to be extended to other medical personnel from January 2024.⁵ In this connection, the PDO would like to note that regulations introduced in 2023-2024 to determine minimum wage limits for persons employed in the medical sector apply only to workers of those clinics which are involved in universal health care programs and do not provide outpatient services.

4. The PDO would like to provide the data of the Georgian Revenue Service.⁶ According to this data, 21009 individuals received an income (in the form of salary) lower than the

¹ Appendix - Request for an ad hoc report on the cost of living crisis, available at: <https://rm.coe.int/appendix-ad-hoc-report-questions/1680abb137> [last viewed 24.05.2024].

² Ad hoc Report on the on the cost-of-living crisis submitted by Georgia, page 2, available at: <https://rm.coe.int/geo-ad-hoc-report-on-the-cost-of-living-crisis/1680ae60b7> [last viewed 24.05.2025].

³ Ibid.

⁴ Ibid, page 3.

⁵ Ibid.

⁶ The statistics can be accessed on the following website: <https://rs.ge/statistics> [last viewed 24.05.2025].

subsistence minimum in 2023 (4735 out of these individuals had salary less than 100 GEL). In the first quarter of 2024, 24984 individuals received income (in the form of salary) below the subsistence minimum (6621 out of these individuals received a salary of less than 100 GEL). In 2023 and the first quarter of 2024, 189474 individuals received less than 60% of the average salary of the workers employed in Georgia. In view of this statistics, introduction of a minimum pay in a specific sector cannot be considered sufficient to properly ensure the right to decent pay for labor in the country. It should be noted in this connection, the European Committee has explained that “to be considered fair within the meaning of Article 4§1, the minimum wage paid in the labour market must not fall below 60% of the net average national wage”.⁷

Comments on the Ad Hoc Report’s Replies to Question N5

The rights of the older persons

5. In response to question N5 of the European Committee, the Ad Hoc Report describes measures taken to protect older persons rights, in particular – the state pension, the funded pension scheme, the state compensation and the social assistance for persons employed in underground mining works.⁸ The Ad Hoc report also reads that “the social protection system in Georgia includes different support and assistance programs for various vulnerable groups of people, including the elderly”.⁹ In terms of the social rights of the older persons, the PDO would like to point out the shortcomings in ensuring the right to housing. There are community facilities for long-term care of the older persons that are financed by the central government. There are also facilities financed by the local governments and private facilities. Long-term care for the older persons is regulated under the minimal standard of care for the elderly and the 2023 Social Rehabilitation and Child Care State Program. One of the sub-programs of this program includes a component of providing community services for the older persons. In the framework of this component, the state periodically monitors the functioning of facilities funded by the central government/state. However, facilities financed by the local governments and private facilities operate without any state regulation. They are not subject to state regulations or an administrative oversight mechanism. Unified data about types, beneficiaries and services of such facilities is not gathered. 6. The PDO monitored privately funded long-term care facilities for the older persons for the first time in 2023.¹⁰ The monitoring of 3 such facilities revealed that the risk of human rights violations is even greater

⁷ Appendix - Request for an ad hoc report on the cost of living crisis.

⁸ Ad hoc Report on the on the cost-of-living crisis submitted by submitted by Georgia, pages 4-6.

⁹ Ibid, page 4.

¹⁰ The Report of Public Defender of Georgia prepared following the Monitoring of Privately Funded Long-term Care Facilities for Older People, available at: <https://shorturl.at/sDF59> <https://tinyurl.com/4csh39j8> [last viewed 24.05.2025].

in absence of a state control mechanism. The older persons often do not speak out about their problems and do not take relevant steps to protect their rights because of their physical and psychological-emotional conditions and their dependence on the personnel of private facilities. In the absence of relevant information about such facilities and their internal rules, it becomes challenging to evaluate the adequacy of costs in these institutions in meeting the needs of elderly individuals.

7. Unfortunately, the state also has no systematized and properly functioning mechanism to oversee the implementation of care standards in those care facilities that are subject to control. The monitoring carried out in the long term care facilities for the (the so called “community organizations”) in 2021¹¹ and 2022¹² revealed various acute problems.

The rights of persons with disabilities (PWDs)

8. The Ad Hoc Report mentions the adoption of the Law of Georgia "On the Rights of Persons with Disabilities".¹³ While the PDO welcomes this important step taken by the government towards harmonization of legislation with the CRPD, there is still a space for improving the aforesaid law. In particular, the law does not provide timely and clear solutions to a number of systemic challenges, including a shift to a bio-psycho-social model of evaluation of disability and treatment, community-based services, proper social protection, housing, legal capacity, data collection and etc.¹⁴ As for enforcement of the law, the government has not yet approved the overall strategy and action plan to support the implementation of the law and the CPRD. Unfortunately, the national strategy (2022-2030) for human rights protection inadequately addresses the rights and needs of PWDs.¹⁵

9. The Ad Hoc Report also describes social packages available for PWDs, their amounts and the number of their recipients.¹⁶ These social packages and other services comprising the social policy are founded on an outdated medical model for assessment of disability status rather than specific needs of PWDs. As a result, they are not tailored to individual needs and fail to satisfy

¹¹ The Report of the Public Defender of Georgia prepared following the Monitoring of Long-term Care Facilities for the Elderly in the Adjara Autonomous Republic, Guria and Imereti, available at: <https://tinyurl.com/7s6yrh6v> [last viewed 24.05.2024].

¹² Monitoring Report on Nursing Homes by the Public Defender of Georgia, available at: <https://shorturl.at/gkszP> and <https://tinyurl.com/2k4c8j2z> [last viewed 24.05.2024].

¹³ Ad hoc Report on the on the cost-of-living crisis submitted by submitted by Georgia, page 6.

¹⁴ Public Defender’s Statement on the Law of Georgia on the Rights of Persons with Disabilities, available at: <https://tinyurl.com/47e8jtka> [last viewed 24.05.2024].

¹⁵ The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, page 273, available at: <https://tinyurl.com/4tfxmehe> [last viewed 24.05.2024].

¹⁶ Ad hoc Report on the on the cost-of-living crisis submitted by submitted by Georgia, pages 6-7.

even the basic necessities of PWDs.¹⁷ Unfortunately, the situation is further exacerbated in mountainous regions, where services are particularly scarce and municipal programs often fail to prioritize the needs of PWDs. Given the prevailing accessibility challenges and myriad of other barriers encountered by PWDs in Georgia, the current disbursement amount is unequivocally inadequate. The Public Defender of Georgia has addressed the Government to ensure a decent and adequate amount of social package before changing the model of assessing disability.¹⁸ As to the number of social package recipients, many individuals in need of disability status are not identified. This is due to a lack of awareness, limited availability of services in the regions, inaccessible infrastructure and a flawed disability assessment model that grants disability status through specific medical diagnosis leaving behind many who would be entitled to disability status if evaluation was based on CRPD. Consequently, many are excluded and unable to access the social package, and the percentage of social package recipients in Georgia does not align with and is lower compared with the statistics of the World Health Organization and developed countries. Specifically, the number of social package recipients in Georgia is approximately 3.5%.

10. In terms of social assistance for the PWDs, it is also important to note that the government's anti-crisis economic plan, devised in response to the COVID-19 pandemic, did not sufficiently consider the needs of PWDs and only individuals with profound (severe) disabilities and children with disabilities were eligible for social benefits. Individuals with significant and moderate disabilities, as well as some children with Down syndrome and autism, who lack a defined disability status due to limitations entailed in the relevant assessment model, were left without assistance.¹⁹

11. The Ad Hoc Report also states that a reform of establishing disability status is underway and that the action plan (2023 – 2025) on introduction of biopsychosocial model of assessment of disability was approved by the Minister of MoIDPLHSA. The PDO would like to emphasize the need of a timely implementation of the activities provided by the action plan²⁰ and a timely practical shift to a new social model of disability. The same matter is addressed in the report of the UN Special rapporteur on the Rights of Persons with Disabilities. The report reads as follows: “In early 2023, the Government adopted a three-year action plan that deals mainly with creating the relevant legislative and institutional mechanisms and the guidelines needed

¹⁷ The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2021, page 221, available at: <https://tinyurl.com/3f9fz6uh> [last viewed 24.05.2024].

¹⁸ Public Defender's Opinion on Social Package for Persons with Disabilities, available at: <https://tinyurl.com/2p8yb72h> [last viewed 24.05.2024].

¹⁹ Public Defender Considers that the Anti-Crisis Economic Plan does not Properly Address the Needs of Persons with Disabilities, statement available at: <https://tinyurl.com/2p8r6vvk> [last viewed 24.05.2024].

²⁰ The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, page 200.

for the transition away from the medical model of disability. The main objective is to prepare for that transition to commence after 2025. That is welcome and fits with the overall policy of removing vestiges of the medical model. However, some key elements remain vague, such as what the exact link will be between the biopsychosocial model and social benefits and services. Here, the Special Rapporteur emphasizes that the exercise should not be exclusively about the numbers of persons with disabilities who qualify for benefits and services, for example increasing prevalence from 3 per cent to 7 per cent, but about disability as understood more broadly in terms of the enjoyment of human rights”.²¹

12. The Ad Hoc Report also refers to the establishment of the Coordination Council for Enforcement of the Law of Georgia on the Rights of Persons with Disabilities and describes the Council’s functions.²² The PDO considers the Council to be a good platform for communication with state actors and PWD organizations. However, in order to make the work of the committees within the Council effective, sustainable financing is required. It should also be mentioned that the coordination between the Council and the State Committee responsible for implementation of the CRPD (33(1)) is not satisfactory and information about their work is not properly shared. Furthermore, it is unclear how the aforesaid Committee prioritizes issues to address and, consequently, the main implementation mechanism of the CRPD does not work on the issues necessary for implementation of PWD’s rights (such as accessibility, implementation of the legal capacity reform, promotion of independent living, meaningful participation of PWDs in the decision making process, social protection matters and etc.). The Committee’s work is also not based on the newly adopted 2022-2030 National Strategy for Human Rights Protection. Furthermore, the coordination of the Committee and the aforesaid Council with the municipalities needs to be strengthened. The municipalities are neither actively informed, nor effectively engaged in the work of CRPD implementation mechanisms, which is alarming considering the declared and ongoing decentralization of services in Georgia.

13. In terms of activities carried out to support PWDs on municipal level, the Ad Hoc Report mentions the establishment of municipal councils working on the issues of PWDs.²³ The PDO finds that the effective functioning of the municipal councils remains challenging. Specifically, an assessment conducted by the PDO in 2023 revealed that sessions of the councils were held in only 36 out of 64 municipalities. While most councils scheduled 3-4 sessions per year, the

²¹ Report of the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, 3 January 2024 A/HRC/55/56/Add.1, available at: <https://tinyurl.com/2vptsj6f> [last viewed 24.05.2024].

²² Ad hoc Report on the on the cost-of-living crisis submitted by submitted by Georgia, pages 7-8.

²³ Ibid, page 15.

number of meetings held varied from one to two in practice.²⁴ Moreover, inadequate participation of PWDs in the decision making process constitutes a barrier to planning activities for proper inclusion of PWDs in all spheres of social life.

14. The Ad Hoc Report also describes municipal action plans developed to support PWDs.²⁵ However, the PDO considers that separate activities performed by municipalities are not organized or coordinated. Moreover, while the municipal action plans envisage adaptation of various buildings/infrastructure,²⁶ inspection of finalized new and/or newly adapted infrastructure and assessment of its compatibility with the technical regulation “National accessibility standards” is not carried out by municipalities properly and needs to be strengthened.

15. The Ad Hoc Report mentions the approval of the strategy and action plan on “Independent Living of Persons with Disabilities and Deinstitutionalization”.²⁷ The PDO monitors the ongoing deinstitutionalization process. The PDO finds the deinstitutionalization of large institutions for children with disabilities to be a positive development, but management of mental health and behavioral problems is a serious issue in alternative care.²⁸ Furthermore, it should be noted that 18 PWDs were transferred from the boarding house for PWDs located in Martkopi to small family-type houses in 2023. However, at this stage, many more beneficiaries remain in large institutions.²⁹ Moreover, the PDO has identified shortcomings in the implementation of the deinstitutionalisation process within the framework of “providing alternative housing for persons with mental health problems aged 18 and older”.³⁰ The monitoring carried out in 2023 revealed that the alternative housing for beneficiaries with mental health problems in Senaki is not compatible with the policy of deinstitutionalisation

²⁴ The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, pages 271-273.

²⁵ Ad hoc Report on the on the cost-of-living crisis submitted by submitted by Georgia, page 15.

²⁶ Ibid.

²⁷ Ibid, page 8

²⁸ The Special Report of the Public Defender of Georgia on the Child Rights Impact Assessment of Covid-19 related State’s Measures in Georgia, available at: <https://tinyurl.com/bdda6j23> [last viewed 24.05.2024]; The Special Report of the Public Defender of Georgia Special Report On the Rights of Children in NNLE Javakheti Ninotsminda St. Nino Boarding School, available at: <https://tinyurl.com/zux7jaaf> [last viewed 24.05.2024]; The Special Report of the Public Defender of Georgia on Results of the monitoring the Boarding School of St. Matthias the Apostle Foundation in the village of Peria – A Non-Commercial Legal Entity of the Patriarchate of the Orthodox Church of Georgia, available at: <https://tinyurl.com/8625yk72> [last viewed 24.05.2024]

²⁹ 34 PWDs are currently living in the boarding house for PWDs in Martkopi, 65 in the boarding house for PWDs in Dzevri, and 43 in the boarding house for PWDs in Dusheti, Official Correspondence no SCA 2 24 00126884 of the State Care and Assistance Agency for the (Statutory) Victims of Human Trafficking, 02.02.2024.

³⁰ Resolution no. 69 of the Government of Georgia of 21 February 2023 on Approving the 2023 State Programme of Social Rehabilitation and Childcare, Annex 1.4, Article 3.5.

and does not serve to promote the independent living of the beneficiaries.³¹ The beneficiaries are accommodated in housing (cottages) designed for 12 people each and there are 15 such cottages in one setting, where 115 people live. Such community service arrangements often contain signs of institutionalization instead of meeting the requirements of the deinstitutionalization process. Namely, the aforesaid facility in Senaki is located along the central road. There is no settlement (population) around, nor is there a developed social infrastructure. The entrances to the cottages are equipped with easy-to-adapt ramps that are not safe for a person to move on their own, and the entrances create an obstacle. The meal menu is not prepared according to wishes of the beneficiaries. The latter are not allowed to cook meals although their participation in meal preparation would help increase their readiness to live independently. The entrance is strictly controlled by the guard and there is a huge gate from which it is impossible to look inside the residence. Although this facility is completely under state care and receives state funding, beneficiaries sometimes buy every-day/household items, food and medicine with their financial resources.

16. Apart from the aforesaid challenges in the deinstitutionalization process, it is concerning that there is no concrete action plan with relevant timeframes on deinstitutionalization of mental healthcare system (large inpatient hospitals where people remain for a long time) and large housing facilities for persons with mental health problems. After the closure of the inpatient psychiatric units operating in multi-profile hospitals³² of the Evex network in 2021, no specific measures have been taken to promote opening of such units in multi-profile clinics and to facilitate deinstitutionalization of mental healthcare.³³

17. The Ad Hoc Report refers to the approval of the "Technical Regulation - "National Accessibility Standards" and the ongoing work to develop a national accessibility plan.³⁴ The PDO has consistently highlighted accessibility challenges in its parliamentary reports, especially during the past three years.³⁵ Lack of access to physical environment, information/communication means, facilities and services is a persisting problem. Despite the

³¹ Details are available in the 2023 Report of the National Prevention Mechanism of the Office of the Public Defender of Georgia (not published yet) and the Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023.

³² Iv. Bokeria University Hospital in Tbilisi.

³³ The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2021, page 230.

³⁴ Ad hoc Report on the on the cost-of-living crisis submitted by submitted by Georgia, page 8.

³⁵ The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2021, pages 224-225; The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, pages 255-256; The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2022, page 194, available at: <https://tinyurl.com/48cf7px7> [last viewed 24.05.2024].

adoption of the National Accessibility Standards, the absence of an active and large-scale information campaign leads to insufficient knowledge about the aforesaid standards among the public and private service providers. There is a need for comprehensive training of personnel in municipal services supervising architecture and construction to ensure adherence to universal design principles and standards. Moreover, a significant challenge lies in ensuring accessibility to facilities constructed before the enactment of the accessibility standards. The national accessibility plan has not yet been approved and this contributes to the delay in practical implementation of the universal design. Insufficient progress has been made in ensuring access to information, communication means and services for PWDs. The government has not adopted the relevant legal or regulatory components in line with the EU approach, and the government agencies have not implemented web accessibility standards (including WCAG, AA level) yet.

18. The Ad Hoc Report mentions the Social Rehabilitation and Child Care State Program and its sub-programs – “Home Care” and “Personal Assistant”.³⁶ The PDO would like to describe shortcomings of this program and the sub-programs. In general, there are waiting lines of people willing to receive services provided by the program. Moreover, the geographical coverage of services remains a problem. Not all children/persons with disabilities are covered across the country as the sub-programs are still not based on statistical or research data and/or lack financing or professionals.³⁷ As to the sub-program of provision of home care services, it does not cover mental health problems³⁸ and is limited to 400 beneficiaries countrywide. As to the Personal Assistant sub-program, children with disabilities are no longer the target group of the sub-program after the changes³⁹ made in 2023. The obligation to implement the personal assistant service in municipal bodies is indicated by the state as the reason for the change in the target group.⁴⁰ However, under the Law of Georgia on the Rights of Persons with Disabilities,⁴¹ 1 January 2025 is set as the deadline for municipalities to provide personal

³⁶ Ad hoc Report on the on the cost-of-living crisis submitted by submitted by Georgia, page 8.

³⁷ The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2021, page 222.

³⁸ Noted behavioral disorders (confirmed by medical documentation Form No. IV-100/a) that would interfere with the home care process and/or put themselves or others at risk cannot be program beneficiary.

³⁹Resolution no. 362 of the Government of Georgia of 19 September 2023 amended Resolution no. 69 of the Government of Georgia of 21 February 2023 on Approving the 2023 State Programme of Social Rehabilitation and Childcare. Article 2 of this sub-programme (Annex no. 1.6) was amended and PWDs of 18 years of age and over were determined as the target group requiring personal assistant services. The resolution is available at: <https://bit.ly/3SHnU3Q> [last viewed 24.05.2024].

⁴⁰ Letter no. MOH 7 24 00169483 of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Security of Georgia, dated 13.02.2024.

⁴¹ Law of Georgia on the Rights of Persons with Disabilities, Article 37.5.b, available at: <https://bit.ly/49fqZPF> [last viewed 24.05.2024].

assistant service. Due to the fact that this service cannot be replaced by other sub-programmes, children with disabilities remain without personal assistant service until the aforementioned date and this has a negative impact on meeting their needs.⁴² In case of adults, the Personal Assistant sub-program is limited to 300 beneficiaries countrywide. Moreover, not all resources are used: as of today, personal assistant service within the framework of the sub-program is provided by only 5 service providers to 100 beneficiaries throughout Georgia.⁴³

Children's rights

19. The Ad Hoc Report reads that “priority of the state is a child welfare and to raise them in a family environment, where their rights and the best interests of the child are protected”.⁴⁴ In this regard, prevention of separating children from their biological families is essential for ensuring that children are raised in a family environment according to their best interests. According to these statistics, in 2023, the separation of a child from a parent was mainly caused by parental violence and neglect of a child (83%), behavioural problems in children (15.4%), abandonment by a parent (1.2%), health problems of a child or a parent (0.4%).⁴⁵ Despite this statistics, a systematic assessment carried out by the PDO⁴⁶ demonstrates that one of the reasons for separating children from their biological family was also the scarcity and ineffectiveness of services focused on both social and economic strengthening and support of the family. Unfortunately, the state has not yet taken any tangible steps in this regard. The current services and the involvement of specialists still fail to strengthen parents in such a way as not to allow the circumstances that parents are unable to overcome without support be the reason for separating children from their families.

20. The Ad Hoc Report mentions shelters, day care centers and other measures taken to protect and support children living and working on the streets.⁴⁷ Despite these measures, the effective protection of the rights of homeless children is hindered by significant obstacles. The scarcity of support services and difficulties in identifying cases of children working or living on the streets remain alarmingly problematic. Moreover, provision of shelter services for homeless children is faced with challenges. These challenges include ensuring the safety of children and the staff, preventing incidents of violence and having the necessary resources and support

⁴² The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, pages 267-268.

⁴³ Official correspondence of LEPL Agency for State Care and Assistance for the (statutory) Victims of Human Trafficking SCA 5 24 00171265 dated 13 February, 2024.

⁴⁴ Ad hoc Report on the on the cost-of-living crisis submitted by submitted by Georgia, page 8.

⁴⁵ Letter no. SCA 0 24 00154746 of the State Care and Assistance Agency for the (Statutory) Victims of Human Trafficking, dated 08/02/2024.

⁴⁶ The Special report of the Public Defender of Georgia on the Administration of Justice in the Cases of the Child's Relationship with Both Parents, pages 37-40, available at: <https://shorturl.at/BCEY3> [last viewed 24.05.2025].

⁴⁷ Ad hoc Report on the on the cost-of-living crisis submitted by submitted by Georgia, page 9.

services aimed at, inter alia, rehabilitating children that are in conflict with the law, tackling juvenile substance abuse and providing appropriate, targeted support for children with mental health issues.⁴⁸

21. It is also concerning that the number of day-care centres and shelters within the central sub-programme of shelter for homeless children was further reduced in 2023. Two day-care centres and two shelters are functioning in Tbilisi. There are one day-centre and one shelter in Rustavi and Kutaisi. In Batumi, not only a shelter, which had been needed for years, did not open, but the day-centre previously available within the sub-programme stopped functioning.⁴⁹

22. As for the number of beneficiaries of shelters and day-centres, services were provided to 261 children in total within the sub-program for providing shelter for homeless children, according to the 2023 data.⁵⁰ 168 out of these 261 children benefited from the services of the day-care centre and 93 children were beneficiaries of the 24-hour shelter. 65 children became enrolled in the services under the sub-programme in 2023 (39 children in day care centres and 26 children in shelters). 15 out of these 65 children were then placed in state care, namely in small family-type homes.⁵¹

Employment

23. The Ad Hoc Report refers to employment as “an important determinant of poverty” and describes the Public Work program launched for the socially vulnerable workable population.⁵² Since the Ad Hoc Report itself addresses the topic of employment, the PDO would like to highlight the problem of unemployment of PWDs . This issue is presented in detail in the PDO’s parliamentary reports⁵³ and in the most recent special report on the “Right

⁴⁸ The Special Report of the Public Defender of Georgia on the Right to Access to Justice for Children in State Care.

⁴⁹ Letter no. SCA 8 24 00165535 of the State Care and Assistance Agency for the (Statutory) Victims of Human Trafficking, dated 12/02/2024.

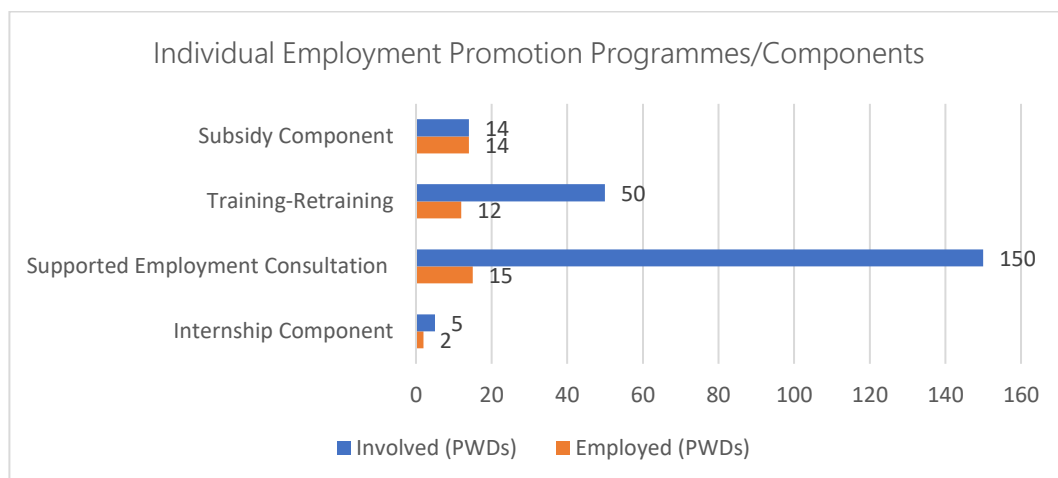
⁵⁰ There are four day-care centres and four 24-hour shelters operating in the country.

⁵¹ Letter no. SCA 8 24 00165535 of the State Care and Assistance Agency for the (Statutory) Victims of Human Trafficking, dated 12/02/2024.

⁵² Ad hoc Report on the on the cost-of-living crisis submitted by submitted by Georgia, page 11.

⁵³ The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2021, page 225; The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2022, pages 197-198; The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, pages 261-262.

to Work and Employment of Persons with Disabilities".⁵⁴ Circumstances hindering PWDs from getting a job include a limited access to physical environment, information, and the labor market management system and a lack of motivation among employers who are not sufficiently aware about reasonable accommodation measures, supporting services and technologies in the workplace. Unfortunately, the steps taken so far by the state and private sector to ensure employment are not enough and lack systematic and long-term planning. The insufficiency of measures taken to support employment is indicated by the fact that only 69 PWDs were employed as public servants in public sector in 2023. Furthermore, the inefficiency of employment programs is evident from the low number of PWDs employed within the framework of these programs. Specifically, statistics over the last five years are as follows: in 2019 - 98, in 2020 - 37, in 2021 - 115, in 2022 - 235, and in 2023 - 285. The total number of employed PWDs indicates the need for more effective measures to be taken by the state. Moreover, there are also significant discrepancies between the number of PWDs involved in specific programs/components and the number actually employed, as illustrated by the infographic below:



24. The current situation shows that mechanisms need to be developed to minimize discrimination, improve legislation and its implementation and involve labor inspection and trade unions in the process. Constant monitoring by the state and non-governmental organizations in this field is also necessary.⁵⁵

⁵⁴ The Special Report of the Public Defender of Georgia on the Right to Work and Employment of Persons with Disabilities, available at: <https://tinyurl.com/3few8m7k> [last reviewed: 24.05.2024].

⁵⁵ Ibid, pages 8-9.

Social Rehabilitation and Child Care Program

26. The Ad Hoc Report once again lists and describes the sub-programs included in the Social Rehabilitation and Child Care Program. The PDO would like to comment on some of the sub-programs/components in addition to the ones already reviewed above.

27. The Day Care Service offered within the Social Rehabilitation and Child Care Program is not available for everyone in need. Taking into account the low amount of voucher envisaged for each beneficiary, most day care centers cannot provide a quality service and a decent rehabilitation for adults with different disabilities and there is a lack of activities aimed at promoting independent living as well. Another issue is geographical inaccessibility of the service. Due to lack of service providers and financing, there are waiting lists of potential beneficiaries.⁵⁶

28. The Community-based Services sub-program includes community based housing provided by community organizations and intended for 24 beneficiaries and cannot reach its goal of promoting independent living of beneficiaries or ensuring inclusion in social life due to its institutional arrangement. It needs deinstitutionalization.

29. As for the Early Childhood Development sub-program, there are waiting lines of those willing to participate.⁵⁷ The main concerns of both parents and service providers are related to the difficulties in timely identification of children belonging to the target group and the referral to the sub-program. The sub-program clearly states that a child (especially under the age of 3) should receive services in a natural environment, but services are not accessible for those living in an area where there is no service provider registered at all.⁵⁸

30. Waiting lines are still an issue for those allowed/entitled to participate in the Child Rehabilitation/Habilitation sub-program as well.⁵⁹ Another challenge is the absence of professional supervision and supervision of a beneficiary's case when delivering the service. Often the external and internal infrastructure of the centers of the sub-program is not tailored

⁵⁶ Official correspondence of LEPL Agency for state care and assistance for the (statutory) victims of human trafficking SCA 5 24 00171265 dated 13 February, 2024.

⁵⁷ Official correspondence of LEPL Agency for state care and assistance for the (statutory) victims of human trafficking SCA 5 24 00171265 dated 13 February, 2024.

⁵⁸ Special Report of the Public Defender of Georgia on the Analysis of the State Programs for Social Rehabilitation and Childcare for 2018-2020, available at: <https://tinyurl.com/4uyh66pm> [last reviewed: 24.05.2024].

⁵⁹ Official correspondence of LEPL Agency for state care and assistance for the (statutory) victims of human trafficking SCA 5 24 00171265 dated 13 February, 2024.

to the needs of children with disabilities. Lack of detailed information on the sub-program reduces parents' involvement as well as their support.

31. Small family-type homes included in the Social Rehabilitation and Child Care Program fail to provide a child-friendly and safe environment. 261 children were enrolled in 37 small family-type homes in 2023.⁶⁰ The survey carried out by the PDO⁶¹ revealed many alarming problems in terms of protecting children's rights in small family-type homes, including physical and psycho-emotional threats, challenges in terms of protecting children from violence and neglect. Another problem lies in the scarcity and lack of geographic accessibility of supportive, rehabilitation services focused on children, including children with challenging behavioural and mental health issues. Moreover, it is concerning that children living in small family-type homes do not have adequate information about their rights or protection mechanisms. At the same time, there is an urgent need for informing/raising awareness of educators and specialists working with children. They should be continuously trained on children's rights, protection mechanisms and positive methods of management of child behaviour.

32. The PDO would also like to pay attention to conditions in shelters for mothers and children. As of December 2023, seven shelters for mothers and children operated across the country and 39 mothers (six of them being underage) and 34 children were housed there. 75 people in total were enrolled in shelters in 2023.⁶² According to the PDO's assessment, one of the main problems in shelters remains the scarcity of material and administrative resources needed to meet the basic needs of the beneficiaries and to provide them with food and personal items. Another challenge is connected to educating, training and preparing mothers enrolled in the shelter service to help them achieve economic independence and navigate the next stages of their lives. Consequently, shelters cannot meet the goal of empowering biological families and avoiding separation of children from their families.⁶³

⁶⁰ Letter no. SCA 0 24 00154746 of the State Care and Assistance Agency for the (Statutory) Victims of Human Trafficking, dated 08/02/2024.

⁶¹ The Special Report of the Public Defender of Georgia on the Right to Access to Justice for Children in State Care.

⁶² Letter no. SCA 0 24 00154746 of the State Care and Assistance Agency for the (Statutory) Victims of Human Trafficking, dated 08/02/2024.

⁶³ The Office of the Public Defender conducted monitoring of every shelter for mothers and children in 2023-2024 period and the results of the monitoring are presented in the Parliamentary Report of the Public Defender of Georgia on the Situation in Human Rights and Freedoms in Georgia 2023, p. 228, available at: <https://shorturl.at/PjruH> [last reviewed: 13.06.2024]; Special Report of Public Defender of Georgia on the Monitoring of Shelters for Mothers and Children, available at: <https://shorturl.at/6AkHg> [last reviewed: 13.06.2024]

33. As for the Children with Disabilities Homecare sub-program for severe and profound (physical/intellectual/mental) developmental delays, it is available to only those children with severe developmental problems who do not go to school or a day care center. Besides, the sub-program is limited to 130 beneficiaries overall.⁶⁴

34. The Social Rehabilitation and Child Care Program also includes the component/sub-program of providing service at home for 7 to 18 year old children with difficult/challenging behaviour. This component/sub-program is designed for children with mental health problems, who cannot be engaged in school or day care services due to their condition. This sub-program is limited to 40 beneficiaries. Similarly, the component of providing an assistant in an apartment/at home for adults with disabilities provides this service to only five beneficiaries and the sub-program of specialized family-type services for children with severe and profound disabilities or health problems can serve only 28 beneficiaries. Thus, their reach/coverage is limited.

35. A further problem of the Social rehabilitation and Child Care Program lies in that only one hearing aid is provided for adults with bilateral hearing loss within the Hearing Aids Provision sub-program/component. As for wheelchairs, people lack information on how to get wheelchairs within the component/sub-program of providing wheelchairs and supporting employment of PWDs and they get wheelchairs from local municipalities as gifts.

36. It is also noteworthy that limitations envisaged by the State Rehabilitation Program are not based on needs analysis and are mainly due to shortage of funds or professionals. Thus, majority of people requiring care are left behind/out. At the same time, not all funds are used in case of some components, because of the lack of service providers (in most cases caused by scarce funding and low salaries), especially in regions. The government must develop a strategy to attract professionals and service providers to increase human resources (psychologist, psychiatrists, social workers, occupational therapists, caregivers, personal assistants, etc.).

37. The PDO would also like to address the issue of continuity of rehabilitation programs targeted to children and adults with disabilities. There is no central program for children with autism in the country and services are provided only in some municipalities. This leads to not only to children being left without necessary rehabilitation, but to discrimination based on place of residence/registration as well. In addition, there is no program for adults with autism

⁶⁴ State program on Social Rehabilitation and Child Care. Appendix: Component of homecare for children with disabilities, page 132, available only in Georgian: <https://matsne.gov.ge/ka/document/view/6060396?publication=0>

and no state rehabilitation program for adults with different disabilities, causing risk of losing all the achievements resulting from rehabilitation services received during childhood.⁶⁵

Municipal services for victims of domestic violence and single parents

38. According to the Ad Hoc Report, one-time financial assistance offered by municipalities includes an assistance program for victims of domestic violence.⁶⁶ As the Ad Hoc Report touches upon this matter, it should be mentioned here that there is no uniform standard applicable to conditions and number of services offered by local governments to victims of domestic violence. Therefore, the amount of social assistance is different in every municipality and depends on the decision of a particular municipality itself. Also, a lack of information and the requirement of being registered in a service providing municipality hinders domestic violence victims from receiving services.

39. In the context of municipal assistance, the PDO would also like to note different programs offered by some municipalities to single parents. According to information provided by the municipalities, 1857 single mothers and 38 single fathers were involved in the municipality programs in 2022 and 2897 single mothers and 126 single fathers were involved in 2023. However, collecting accurate statistical information is problematic. In particular, article 1191¹ of the Civil Code of Georgia provides 4 grounds for establishing a single parent status but this status was sometimes granted without indicating a specific ground in 2023. The PDO finds such practice incorrect as a specific ground should be indicated in every case so that segregated statistics can be produced. This is important to assess how effectively and correctly the grounds of granting a single parent status are applied. In particular, the legal amendments adopted in 2022 allowed granting this status in case of death of a parent and in case of deprivation of parental rights. Segregated statistics are needed to evaluate how often parents rely on these grounds and to plan measures, such awareness raising, accordingly. Another shortcoming of the statistics on recipients of municipal services is that this data encompasses both parents with an official single parent status and parents who do not have such a status but actually raise their children alone.

Comments on the Ad Hoc Report's Replies to Question N7

Provision of food

⁶⁵ The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, pages 268-269.

⁶⁶ Ad hoc Report on the on the cost-of-living crisis submitted by submitted by Georgia, pages 14-15.

40. The Ad Hoc Report describes sub-programs within which food and/or food vouchers are provided to target groups.⁶⁷ Despite these measures, the PDO considers that providing quality food is particularly problematic for vulnerable groups, including PWDs, who are at increased risk of malnutrition. In February and March 2022, the PDO monitored 59 randomly selected soup kitchens operating in 25 municipalities of Georgia and placed a special focus on PWDs and their individual needs in the process.⁶⁸ The monitoring revealed that there is no uniform standard for the management or delivery of free meal service in the country. Consequently, the amount or calories of food to be served and mandatory requirements relating to the arrangement of physical environment, safety, or sanitary-hygienic conditions are not defined by the relevant standards. When implementing the service, the nutritional needs of the beneficiaries are not considered, and the food ration mainly depends on the amount of money allocated from the budget of a specific municipality. Accordingly, energy value of the dinner, age of the beneficiaries, their health conditions or religious beliefs are not considered when planning the menu. No relevant specialists are involved in the menu planning. The majority of institutions providing free meals do not meet the requirements of universal design standards. In a number of municipalities, there is no service of delivering food at home for those who have mobility issues, and such individuals are left out of the program and are often rejected dining services. Production of segregated statistics on service users according to disability is another problem.⁶⁹ Stigma towards beneficiaries with mental health problems is high.

Comments on the Ad Hoc Report's Replies to Question N8

41. The Committee has requested up-to-date information on at-risk-of-poverty rates for, inter alia, PWDs.⁷⁰ In this connection, the PDO would like to emphasize that PWDs in Georgia often face a heightened risk of poverty due to multiple factors. These include limited access to education, a lack of accessible infrastructure and transportation, employment discrimination, and barriers to healthcare and social services contributing to elevated poverty rates. The limited prospects for education and employment result in economic insecurity and reliance on social welfare programs, which, unfortunately, often rely on an outdated medical disability assessment model. Additionally, PWDs may incur higher healthcare costs due to their specific needs, further straining their financial resources especially in regions where access to

⁶⁷ Ibid, page 17.

⁶⁸ The Special Report of Public Defender of Georgia on Implementation of Free Meal Program, available at: <https://tinyurl.com/2449dhcm> and <https://ombudsman.ge/res/docs/2022112112500276101.pdf> [last viewed 17.06.2024].

⁶⁹ The Special Report of Public Defender of Georgia on Implementation of Free Meal Program, available at: <https://tinyurl.com/2449dhcm> and <https://tinyurl.com/mr29ud76> [last viewed 24.05.2024].

⁷⁰ Appendix - Request for an ad hoc report on the cost of living crisis, available at: <https://rm.coe.int/appendix-ad-hoc-report-questions/1680abb137> [last viewed 24.05.2024].

affordable healthcare services is limited. In the light of limits and deficiencies in providing social rehabilitation programs that would be accessible for all, families have to take full responsibility to support and take care of family members with disabilities. The fact that family member caregivers' work is not paid or otherwise effectively supported by the state promotes poverty among families of PWDs. Furthermore, the intersectionality of discrimination, encompassing disability, gender, race, and socioeconomic status, further compounds the challenges faced by PWDs, particularly those belonging to marginalized groups.

42. In response to the European Committee's request for the information on at-risk-of-poverty rates, the Ad Hoc Report contains several graphs of statistics pertaining to poverty in Georgia.⁷¹ In this regard, the PDO would like to note that the national poverty data segregated according to disability at the national level remains scarce. While Relative Poverty Indicators (%)⁷² and the Share of the Population Under the Absolute Poverty Line are produced in Georgia (%),⁷³ the data is not disaggregated according to types of disability. Georgia only produces statistics on the number of PWDs who are registered in the unified database of the Targeted Social Assistance Program and receive subsistence allowance based on the medical model. The data is processed under 2 categories: person with disability and family with a person with disability.⁷⁴ For detailed information, please refer to the chart below:

⁷¹ Ad hoc Report on the on the cost-of-living crisis submitted by submitted by Georgia, pages 18-19.

⁷² For more information, please visit the National Statistics Office of Georgia website, available at: <<https://www.geostat.ge/en/modules/categories/192/living-conditions>> [last viewed: 26.04.2024]

⁷³ Relative Poverty Indicators are divided into two categories: share of population under 60 percent of the median consumption and share of population under 40 percent of the median consumption.

⁷⁴ For more information, please visit the website: <<https://disability.geostat.ge/shshm/social.php?lang=en#x>> [last viewed: 26.04.2024]



Comments on the Ad Hoc Report’s Replies to Question N10

43. The PDO would like to address the issue of insufficient participation of PWDs in different levels of decision-making.⁷⁵ In this regard, the participation of individuals and organizations in the development of annual plans of governmental agencies is mostly satisfactory. However, two agencies, namely the National Statistics Office of Georgia and the Personal Data Protection Service, adopted their plans in 2023 without involving PWDs.⁷⁶ Additionally, it is problematic that, in the case of territorial organs, some action plans are identical and include only several tasks without defining performance periods and/or indicators.⁷⁷ Moreover, the PDO would like to point out the selection process of the CRPD Committee member⁷⁸ that was carried out without adequate involvement of the PWD community in contravention of article 4 (3) of the CRPD. Information about the selection process was not properly disseminated to the PWD community and there was a lack of transparency during process. Specifically, there was a lack of clarity on which individuals or organizations were involved in the process, how they were selected according to relevant principles, and in what manner their opinions were considered.

⁷⁵ The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, pages 271-273.

⁷⁶ The Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, page 272.

⁷⁷ Ibid, pages 272-273.

⁷⁸ Official Correspondence of the Ministry of Justice of Georgia No 5036 (dated 29.03.2024).