

# NEEDS ASSESSMENT REPORT ON THE SOCIAL AND ECONOMIC RIGHTS OF OLDER PERSONS IN GEORGIA



European  
Social  
Charter

Charte  
sociale  
européenne





25 September 2024

# Needs Assessment Report on the Social and Economic Rights of Older Persons in Georgia

**‘Towards Active Social Citizenship for Older Persons in Georgia:  
Harnessing the European Social Charter to Guide Change’**

Conducted within the Framework of the Council of Europe Project  
“Further Enhancement of Social and Economic Rights in Georgia”

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This publication is developed within the framework of the Council of Europe Project “Further Enhancement of Social and Economic Rights in Georgia”.

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## LIST OF ABBREVIATIONS

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CFREU	Charter of Fundamental Rights of the EU
CJEU	Court of Justice of the European Union
CoE	Council of Europe
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organisations
ECHR	European Convention on Human Rights
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
ESC	European Social Charter
EU	European Union
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDPs	Internally Displaced Persons
ILO	International Labour Organization
LGBTI	lesbian, gay, bisexual, transgender and intersex
MIPAA	Madrid International Plan of Action on Ageing
NCD	Non-communicable disease
NGOs	Non-governmental organisations
OEWGA	Open-Ended Working Group on Ageing
OHCHR	Office of the United Nations High Commissioner for Human Rights
PDO	Public Defender's Office
SDGs	Sustainable Development Goals
TSA	Targeted Social Assistance
UHCP	Universal Healthcare Programme
UN	United Nations
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNFPA	United Nations Population Fund
UNICEF	United Nations International Children's Emergency Fund
WHO	World Health Organization

# 1. INTRODUCTION AND OBJECTIVES

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As frequently repeated in the current political discourse, the 21st century is experiencing an unprecedented social transformation, initiated by global demographic change, which is reshaping the age structure of the population. Given the triumphs of medical technology, people are living longer and healthier lives, while, at the same time, fertility rates are declining rapidly and working-age populations are shrinking. According to the latest estimates, people aged 65 years or over will account for one in six people globally in 2050.<sup>3</sup> Europe has the highest proportion of older people globally, a trend expected to continue until 2050. Almost one third of the population will be 65 years and older in the next 25 years in Europe.<sup>4</sup>

Georgia, in particular, is facing significant demographic changes, characterised by an ageing population and the effects of emigration and low fertility. The United Nations Population Division (UNPD) projects that the share of Georgians aged 65 and above will increase from 14% in 2015 to 19% in 2030, and to 25% by 2050.<sup>5</sup>

The global phenomenon of population ageing has highlighted the importance of upholding human rights for older individuals, while acknowledging the unique societal challenges, as well as opportunities, this demographic shift presents. This imminent demographic revolution has major implications for social and fiscal policy and is exerting enormous pressure not only on governments but also on individuals. Older persons are encountering profound physical and social obstacles preventing them from living a life with dignity and rights. As the global population of older people rapidly expands, so will the number of rights violations against older people. However, while raising specific human rights issues, matters related to older persons have been addressed through normative viewpoints such as medical, welfare, political and economic, but not often from the human rights perspective.

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3 See United Nations Department of Economic and Social Affairs, World Social Report: Leaving No One Behind in An Ageing World, 2023, p. 21.

4 Eurostat, Statistics explained, Population and demography, 2024, [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Population\\_and\\_demography](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Population_and_demography).

5 UNPD, World Population Prospects 2024, <https://population.un.org/wpp/>.

This project arose from the Council of Europe’s Action Plan for Georgia (2024-2027).<sup>6</sup> An important part of that Plan deals with economic and social rights. The Plan asserts:

*The delivery of social rights is not only an international human rights obligation but also a condition for social and economic sustainability, contributing to good governance and enhancing respect for social and democratic sustainability.*

More specifically, in its Plan, the Council of Europe aims to “assist the [Georgian] national authorities in aligning the[ir] national legislative and regulatory framework and practice with European standards in the field of social rights”.

One of the more strategically significant challenges facing all democracies, including Georgia, is the status of older persons and their enjoyment of all human rights without any form of discrimination. Indeed, it is one of the defining challenges of the 21st century and addressing it should be considered a priority in Georgia. It makes sense to focus on this issue because of its intrinsic importance. And it makes sense to focus on it since the relevant European social rights standards are advanced, ambitious, achievable and clear. At its heart is a concept of active social citizenship in sharp distinction from the policies of the past.

The Council of Europe’s European Social Charter (revised) – hereinafter ESC or ‘Charter’ – is unique in many respects. It contains a bundle of rights which, both individually and collectively, give tangible support to older persons as active social citizens. These rights are anchored in human autonomy and moral agency, something that does not fade in importance with age. They extend into the economic sphere, assuring the older person of a right to work without discrimination (Article 1) and other employment-related rights, such as vocational guidance and training and protection from dismissal (Articles 9, 10 and 24 respectively). They encompass the full range of social supports, including a right to social security (Article 12), a right to social and medical assistance (Article 13) and a right to benefit from welfare services (Article 14). They include the right of (older) persons with disabilities to independence, social integration and participation in the life of the community (Article 15) and the right to the social protection of the family, which is even more important in the midst of demographic change (Article 16, in combination with Article 27). And, of course, they include the substantive rights to protection of health (Article 11), to protection against

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6 CoE, Action Plan for Georgia 2024-2027, CM(2023)168, 3 October 2023, <https://rm.coe.int/council-of-europe-action-plan-for-georgia-2024-2027/1680ae25db>.

poverty and social exclusion (Article 30) and to housing (Article 31), which are a natural precondition for active social citizenship. Cementing this into place is Article E which prohibits discrimination and provides an important tool to challenge the policies of the past. In view of the à la carte system of acceptance of the Charter provisions,<sup>7</sup> Georgia has opted in to only some of the above provisions.<sup>8</sup>

In addition to the many generic rights that can and do have tangible benefits for older persons, the Charter is also unique in providing a *sui generis* provision dealing specifically with the rights of older persons, Article 23. This provision remains unprecedented in international law. In many respects, the philosophy of Article 23 – equal social citizenship – is already diffused into the above-mentioned substantive provisions. However, Article 23 provides an overarching and animating philosophy to make the other rights come alive in the context of older persons. The core ideas that underpin it include an insistence on human autonomy regardless of age. That is why the issue of autonomy and independence (and inter-dependence) is so important in old age. This philosophy lies at the heart of the revolution in thinking about the rights of older persons around the world. Also emblazoned on Article 23 is the concept of active participation and social inclusion. Age, as such, is not an occasion to exclude. If anything, it forces a re-think on how to continue to include. Human rights do not fade with intensity as one ages – they remain constant throughout the life course.

Regrettably, Article 23 is one of those provisions in the Charter that Georgia has not opted into. However, since the overall philosophy of Article 23 is already suffused in the other substantive articles, this is not fatal. One of the core assumptions behind this flexibility for states to opt in or out of certain provisions in the Charter is the notion that they thereby have the room to develop to the point where opting in is viable. It is suggested in this Needs Assessment Report that the time is right for Georgia to opt in to Article 23, especially in view of its interrelationship with other Charter articles which Georgia has accepted.

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7 See Part III, Article A of the RevESC (and the corresponding Part III, Article 20 of the original Charter). The minimum number of articles or paragraphs of Part II of the Charter that a state acceding to the RevESC must necessarily select and accept in their entirety is 16 articles (and 10 in the case of the original Charter), or 63 paragraphs (and 45 in the case of the original Charter). At the same time, each state must, by acceding to the Charter, accept at least six of the nine articles which, in the opinion of the drafters of the Charter, belong to the hard core of the rights it establishes (Articles 1, 5, 6, 7, 12, 13, 16, 19 and 20).

8 The following relevant provisions have not been accepted: Articles 12(2) & 12(4), 13, 15(1) & 15(2), 16, 30 and 31. Georgia ratified the Revised Charter on 22 August 2005, accepting 63 of its 98 paragraphs. Georgia has not yet ratified the Additional Protocol providing for a system of Collective Complaints. See CoE, Country Report: Georgia, <https://www.coe.int/en/web/european-social-charter/georgia>.

An important feature of the Charter is an implicit understanding of the notion of “progressive realisation”. That is to say, many of the provisions of the Charter assume that its goals can be progressively met as resources allow and when the right kinds of enabling laws and policies are in place. This proves important in the context of age. Most countries are at the beginning of the transition away from outdated laws and policies on age and are moving toward laws and policies that reflect and enable active citizenship. What matters is the overall line of direction of state policy. That is why process issues – the adequacy of institutional arrangements to drive the change – are so important and figure prominently in this report.

The report follows a legal and policy analysis lens based on desk research on the relevant legislative and regulatory frameworks and practices of Georgia vis-à-vis the Council of Europe and international standards and best practices in the areas of the social and economic rights of older persons. It provides a baseline on the current situation with regard to the protection of the social and economic rights of older persons in Georgia and the level of implementation of the Charter in this regard. It also identifies priority areas where the Council of Europe’s intervention and support is most needed, and puts forward concrete recommendations on how to address any shortcomings. The aim is to support the Georgian authorities, civil society and other stakeholders in addressing existing challenges concerning the protection of the social and economic rights of older persons in Georgia.

The objectives of this report are therefore the following:

- To support the ongoing revolution in old age policy in Georgia and its transition from a model based on passive dependency to one based on active social citizenship founded on autonomy, independence and inclusion.
- To clarify the obligations arising from the Charter, how they help inform and drive the transition and their added value in the process of change.
- To conduct a broad review of law and policy on old age in Georgia and the overall line of travel in light of the standards of the Charter and other Council of Europe and UN soft law documents.
- To encourage Georgia’s opt-in to the relevant, as yet unaccepted, provisions of the Charter.
- To encourage Georgia to become an active player in the UN treaty debate which is likely to reflect and confirm the centrality of the norms of the Charter.

- To support Georgia in fulfilling the criteria for accession to the EU, highlighting the importance of meeting the Charter standards as a way of satisfying these criteria.
- To stimulate Georgian civil society to advocate for the rights of older persons, including by the use of the Charter's monitoring procedures.

To better assess the situation on the ground and to ensure ownership of the findings by the Georgian authorities and other stakeholders, the report takes a participatory approach. For that purpose, representatives of the following public bodies and organisations were among the stakeholders involved in the preparatory meetings of the fact-finding mission that took place in Tbilisi, Georgia between 17-19 June 2024 and the roundtable discussions that took place in Tbilisi, Georgia on 13 September 2024:

The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, the Ministry of Justice, the Ministry of Economy and Sustainable Development, the Ministry of Finance, the Ministry of Education, Science and Youth, the Human Rights Department of the Administration of the Government of Georgia, the Public Defender's Office of Georgia, the Agency for State Care and Assistance for the Victims of Human Trafficking, the Social Service Agency, the State Employment Support Agency, the Rural Development Agency, the National Centre for Disease Control and Public Health and the Tbilisi City Municipality;

- International organisations: UNFPA, UNDP, OHCHR, WHO, EU delegation and Expertise France;
- Civil Society Organisations: Caritas Georgia, Georgian Red Cross Society, Coalition for Independent Living, IDP Womens' Association "Consent", Coalition Homecare in Georgia (Fund "Taoba")/Georgian Platform on Care, Center for Strategic Research and Development of Georgia, Social Justice Center and Georgian Young Lawyers' Association;
- Academics: Natia Partskhaladze and Ketevan Khomeriki.

Part 2 of the report takes stock of the benchmarks under the Charter on the rights of older persons, in consideration of the universal and regional system of human rights protection. For the sake of completeness, it will embrace both the provisions "accepted" and "non-accepted" by Georgia that are of relevance. In addition, given that the effective realisation of the economic and social rights of older persons guaranteed by the Charter is a matter for the territorial levels closest to the people, local governments are key players in imple-

menting the Charter, in line with the principles of subsidiarity and local autonomy. Therefore, in this report, we will also briefly examine the role and responsibilities of local authorities towards older persons under the Charter and the work of its monitoring body, the European Committee of Social Rights (hereinafter ECSR or the “Committee”).

Apart from unpacking the jurisprudence of the Committee, we will briefly examine some of the soft law instruments of the Council of Europe and the United Nations in the field of the rights of older persons. Such instruments are often taken into account by treaty-monitoring bodies such as the Committee. Some reference will also be made to the possible drafting of a thematic UN treaty on the rights of older persons. If anything, this development at the global level is likely to confirm the centrality of the key provisions of the Charter as they touch on the social rights of older persons. Given the degree of international attention being paid to this potential development, the time is right for Georgia to move forward. Lastly, some mention will be made of the relevant EU headline laws and policies and the accession criteria and recommendations for Georgia since these help drive the overall process of change in a manner complementary to the Charter.

Part 3 of the report will, bearing in mind the benchmarks developed in Part 2, take stock of the social rights of older persons in Georgia. It will review the institutional architecture in place to drive change and the extent to which it is working. It will analyse the legal and policy framework surrounding selected key issues such as autonomy, equality, independent living, participation in employment and in society and social support services. At the same time, it will examine key processes in the Georgian society, economy and culture that provide context affecting change. Lastly, it will examine the ECSR’s most recent conclusions under the reporting procedure of the Charter on both the provisions Georgia has accepted and not accepted, insofar as they are relevant for the purposes of this report.

Part 4 of the report will set out some salient issues, gaps and key reforms that are both needed and possible to achieve in order to optimise the letter and spirit of the Charter in the context of the rights of older persons in Georgia. These recommendations will be institutional, thematic and policy-oriented.

The Government of Georgia is the duty holder under the Charter. However, governments do not act alone. Importantly, the report is also concerned with the level and adequacy of the “co-production” of policy with the “affected community” which, in this instance, includes

organisations of (and for) older persons. This assumes that organisations of/for older persons who advocate for change are themselves adequately supported. This is critically important since policy cannot be tweaked or reformed in isolation from the voices directly affected. This impacts on the legitimacy of the process of change as well as its efficiency. Having an effective interlocutor is good in itself and is also good for good governance. Indeed, the concept of co-generation – or solidarity between the generations – linking old and young will be advocated, also since it proves to be one of the best ways of securing the social inclusion of older persons and serves broader social interests.

Part 5 of the report contains our conclusions and recommendations.

## **2. BENCHMARKS ON THE SOCIAL RIGHTS OF OLDER PERSONS**

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As noted in the introduction, the number of people aged 60 and over is expected to double worldwide by 2050, with significant increases anticipated across all regions, particularly in Europe. The current social transformation initiated by the global population ageing and its widespread effects present significant economic and social challenges for individuals, governments, policymakers and medical professionals. It requires robust policy responses and legal frameworks that respect, protect and fulfil the rights of older persons. Towards that goal, it is crucial to strengthen the protection of older persons' rights, both nationally and internationally. At the same time, the ageing population presents opportunities for continued education, a longer working life and societal contributions, preserving traditions and knowledge.

Ageing has traditionally been viewed through a welfare-based lens as a negative process, with older people perceived as vulnerable, frail, dependent and a drain on resources. This approach stems from a biomedical model of ageing, which portrays ageing as a process of decline and decay necessitating medical intervention. In this paradigm, older individuals are often excluded or marginalised, with the state seen as primarily responsible for providing compensation for their losses in terms of income, autonomy and social roles. These

ageist assumptions frequently reinforce poor intergenerational relations and discriminatory practices in society, while legal and policy responses to the ageing population have often been inadequate, failing to address systemic issues impacting older persons.

Contrary to this welfare approach, a rights-based perspective,<sup>9</sup> influenced by the social model of disability, views inequality and exclusion as products of societal barriers rather than individual deficits. It places duties on states to dismantle these barriers in their jurisdiction and ensure full participation, equality and dignity for older persons, while going beyond economic arguments as the *raison d'être* of such policies. The ongoing paradigm shift from traditional models of ageing, which view older people as passive recipients of care, to a human rights-based approach to the complex and multifaceted issues that older persons face, has been essential for ensuring their dignity, autonomy and participation as active rights holders, while providing a better foundation for laws affecting older persons.

Human rights are not only a set of guiding principles and minimum standards but also an analytical and systematic framework crucial for enhancing elder law and the experiences of older individuals, as well as reshaping community attitudes towards ageing. They provide a comprehensive approach to understanding and addressing various issues faced by older adults in law and practice, while challenging ageist assumptions and promoting a society where ageing is celebrated without discrimination. Lastly, a human rights-based approach moves beyond viewing older persons as a homogeneous group in need of protection, and instead advocates for a life-course perspective on human rights that takes into account the diverse experiences and identities of individuals as they age.

## 2.1 The Council of Europe's European Social Charter system

At the core of this human rights-based approach to old age is, undeniably, the Charter, which provides a unique framework to facilitate the on-going paradigm shift through a combined reading of its provisions and the work of its monitoring body, as this chapter argues.

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<sup>9</sup> See UN Human Rights Council, Report of the Independent Expert on the Enjoyment of All Human Rights by Older Persons, Claudia Mahler, 2021, <https://digitallibrary.un.org/record/3938306?v=pdf>.

## 2.1.1 Values that underpin the transition to a rights-based approach to old age

It is important to note from the outset that a number of principles guide the interpretation and application of rights under the Charter, emphasising the protection of the most vulnerable in society, including older persons, disabled persons and marginalised groups. It is imperative to make reference to their content, since they underpin the transition to the rights-based approach to old age.

### Dignity

The value of dignity, a fundamental value underpinning human rights and crucial in situations of vulnerability or poverty, is particularly manifest in the ESC in the context of poverty reduction (Article 30), health (Article 11) and social/medical assistance (Article 13), as well as in the provisions dedicated explicitly to disabled and older persons (Articles 15 and 23 respectively, in conjunction with Article E on non-discrimination). The ECSR has linked the idea of dignity with particular Charter rights, including those that require the redistribution of resources.<sup>10</sup> Dignity is pivotal in defining the minimum standards states must uphold under the Charter and signals a shift from an assisting and caring paternalistic approach to one focused on equality and individual dignity. It can also potentially be linked with the idea of equal citizenship, which includes independence, social integration and participation in the life of the community.

### Autonomy

Although there is hesitation to elevate autonomy as a principle in economic and social rights due to its individualistic focus, which can conflict with collective welfare, autonomy as a value is closely related to dignity and ensures individuals can choose their type of social protection and lifestyle, supported by safeguards against arbitrary deprivation. Central to the value of autonomy is Article 23 ESC, which, as will be shown in detail, protects, inter alia, older individuals' right to live independently and their autonomy in lifestyle choices. In that context, the ECSR has made reference to the principle in education, social services and medical consent, while emphasising that guardianship procedures must not abuse or overuse power and that older individuals should be able to retain autonomous decision-making abilities.

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10 The work of the ECSR is available in the HUDOC database, <https://hudoc.esc.coe.int/>.

### Equality

The principle of equality, also paramount to human rights, is reinforced by the ESC (particularly under Article E). It is intrinsically linked to the protection of other rights and is employed by the ECSR as an umbrella concept across various areas like employment, education, healthcare and social security. Equality emphasises respect for diversity and the need for positive action to ensure substantive equality. In addition, it covers direct and indirect discrimination, requiring states to address the situation of vulnerable groups, such as older persons. Various mechanisms like equality ombudspersons, boards, commissions and equality acts ensure the effective protection and implementation of equality, according to the ECSR.

### Solidarity

The principle of solidarity has historically been seen as linked to social security, but is widely considered as a fundamental human rights principle, including by the ECSR, which has addressed the issues of social exclusion and poverty of vulnerable groups in reference to it. Solidarity reflects the social nature of human beings and encompasses the redistribution of resources through public assistance and social insurance systems, thus being linked to the idea of progressive implementation often associated with economic and social rights (see below). While solidarity is a foundational value, it is not frequently invoked alone in legal contexts. It is often supported by other principles such as equality, human dignity or social justice. Solidarity's limited legal use can be attributed to competition with other values, such as autonomy, and the evolving paradigm of the welfare state.

### Participation

The value of participation, whose importance is highlighted in the UN Principles for Older Persons, the Madrid International Plan of Action on Ageing (MIPAA) and the UN Convention on the Rights of Persons with Disabilities (CRPD), involves being part of processes related to social rights determination and implementation in law and policy. It also involves taking part in the community in a meaningful and rewarding way, which is particularly relevant for older persons. States are obliged to create participatory mechanisms to inform and engage the public. The principle is also referred to in relation to issues of access to public services and necessitates measures to include potentially vulnerable groups, such as older persons, in policy-making. Lastly, unlike other human rights treaties, the principle of the participation of management and labour and of non-governmental organisations in defining and

implementing social policy is explicitly mentioned in the Collective Complaints Protocol to the Charter. Therefore, the involvement of NGOs in the Charter's reporting and monitoring processes could further enhance accountability and advocacy for older persons' rights.

### 2.1.2 Progressive realisation as a leitmotiv

The concept of “progressive realisation” emerged partly due to the Cold War, which exaggerated distinctions between civil/political rights and economic/social/cultural rights. Civil and political rights are seen as more enforceable than the resource-dependent economic, social and cultural rights. The concept recognises the tension between individual social rights and general economic interests. Progressive realisation reflects the fact that achieving social rights is linked to economic development and acknowledges resource constraints, while requiring states to continuously work towards full realisation without undermining the essence of rights. However, authoritative commentators have challenged the rigid distinction, noting that some civil rights (e.g. the right to a fair trial) require substantial resources, while some social rights (e.g. the right to association) require fewer resources.

Progressive realisation is crucial for assessing the rights of older persons under the Charter. As noted, the Charter allows parties to choose which provisions to accept, reflecting varying degrees of economic and social progress among Council of Europe members. However, unlike the UN International Covenant on Economic Social and Cultural Rights (ICESCR – Article 2), the Charter does not explicitly endorse the progressive implementation of the guaranteed rights according to state resources; in principle, rights must be implemented immediately. Despite the lack of explicit mention, the Charter recognises that some rights entail “obligations of result”, allowing for an implicit notion of progressive realisation.

In its work, the ECSR recognises that economic conditions influence the realisation of social rights, accepting that states can only guarantee what their resources allow, while prioritising disadvantaged and vulnerable groups and ensuring their protection even during economic crises. This aligns to some extent with the principle of progressive realisation under the ICESCR. Therefore, the ECSR has been developing the notion of progressive realisation within the Charter, despite the Treaty not explicitly mentioning it, and uses specific criteria to evaluate if states are making sufficient progress. The ECSR's approach to progressive realisation involves monitoring state compliance, interpreting obligations and ensuring that vulnerable groups receive the necessary protections.

In particular, the Committee has acknowledged states' discretion in balancing general interests against specific group interests (namely, states' margin of appreciation). However, the ECSR has emphasised that states must still meet concrete criteria for progressive realisation; they need to make measurable progress toward social rights within a reasonable time and using the maximum available resources, especially for vulnerable groups. Furthermore, progressive realisation, according to the Committee, entails the obligation of states to adopt legal, financial and operational means, maintain meaningful statistics, regularly review policy impact, establish achievable timetables and, finally, pay attention to impacts on vulnerable groups. Delays in implementation, especially for vulnerable groups like older persons, are scrutinised for compliance with reasonable timeframes.

Certain provisions within the Charter are inherently dynamic/progressive, requiring continuous assessment and adaptation by states. Notably, Articles 1(1), 2(1), 12(3), 14, 18 and 26 of the ESC are highlighted by the ECSR for their dynamic character. This entails evaluating a country's efforts over time rather than demanding immediate results. The ECSR interprets the Charter dynamically, considering both the positive and negative obligations of states. It applies a progressive realisation approach to provisions like Article 7 concerning protection for children and young persons. Specific articles, such as Articles 2(1), 3(4), 12(3) and 31(2), explicitly call for a progressive approach. The ECSR evaluates state compliance with these obligations by considering whether states are making continuous efforts to elevate social protection systems without regressing below minimum standards, especially during economic downturns.

The Committee has also highlighted the need for active consultation with affected vulnerable groups in policy-making and implementation. Especially during economic crises, such as the current cost of living crisis, states may argue for measures that could be seen as regressive. The ECSR maintains that such measures must be justified by non-discriminatory aims and must not compromise the core content of rights guaranteed by the Charter. The Committee requires thorough research and impact assessments, along with meaningful consultations with affected groups to mitigate the adverse effects of policies. Failure to adequately involve affected groups, such as older persons, or neglecting to explore less detrimental alternatives can lead to findings of non-compliance.

Lastly, the ECSR's interpretation of progressive realisation under the Charter reflects a prag-

matic and rights-based approach to social and economic rights of older persons. By focusing on effectiveness and steady progress, while considering the specific conditions and resources of states, it seeks to ensure that rights under the Charter are meaningfully implemented and enforced, thereby enhancing social wellbeing across Europe.

### 2.1.3 Article 23 – The right of elderly persons to social protection

Article 23 of the ESC<sup>11</sup> represents a groundbreaking provision in international human rights law. It is the first international norm dedicated specifically to safeguarding the rights of older persons, addressing the challenges posed by Europe's ageing population through coordinated intersectoral initiatives.<sup>12</sup> Initially established as Article 4 in the Additional Protocol of 1988 to the original Charter and later integrated into the revised Charter in 1996, this article is distinctive due to its emphasis on values such as autonomy, independent living and active social citizenship for older individuals.<sup>13</sup>

The primary objective of safeguarding the rights of older people is threefold:

- a. to ensure their full integration and active participation in society, by mainstream benefits and services;
- b. to secure their ability to lead an independent life, by means of additional social, health and housing services in the event there is limited capacity due to illness, disability or old age; and
- c. to secure the possibility of personal decision making and participation in care decisions, as well as provide protection against violations of dignity, integrity and privacy in care settings.

Recognising that ageing processes can diminish an individual's ability to participate ful-

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11 Not accepted by Georgia.

12 While there is no dedicated international treaty solely focused on older persons' rights, age discrimination is recognised as a form of discrimination under various human rights conventions. The Inter-American Convention on Protecting the Human Rights of Older Persons (2015) provides detailed rights and protections for older individuals, reinforcing principles of equality and non-discrimination. The European Union's Charter of Fundamental Rights (Article 25 – see *infra*) also recognises the right of elderly persons to lead dignified and independent lives, participating actively in social and cultural activities.

13 For a comprehensive compilation of the Committee's work see CoE, Digest of the case law of the European Committee of Social Rights, Strasbourg, 2022, <https://rm.coe.int/digest-ecsr-prems-106522-web-en/1680a95dbd>. See also with respect to older persons, in particular, G. Quinn and I. Doron, *Against Ageism and Towards Active Social Citizenship for Older Persons: The Current Use and Future Potential of the European Social Charter*, CoE, Strasbourg, 2021, <https://rm.coe.int/against-ageism-and-towards-active-social-citizenship-for-older-persons/1680a3f5da>.

ly in society, Article 23 mandates proactive measures to delay or prevent such limitations. This preventive approach underlines the duty of states to support ageing populations comprehensively. Age, declining health or diminished intellectual capacity should not impede their participation in social activities, guided by the principle of non-discrimination. Article 23 of the Charter therefore guarantees older people (whether of full or limited capacity, active or retired, living independently or in institutions) effective social protection, encompassing various aspects of their wellbeing outside of the workplace and in areas not covered by other Charter provisions.

The article is structured into three interconnected parts, delineating comprehensive rights and state obligations aimed at safeguarding the wellbeing and dignity of older people across Europe. It mandates contracting parties to develop comprehensive, cross-sectoral measures that address the diverse needs of ageing populations across various domains such as health, social security, medical assistance and protection against poverty and exclusion.

#### 1. Enhancing living conditions for full and meaningful membership in society – living conditions and income security

The first part of Article 23 underlines the creation of conditions that allow older persons to lead active lives and fully participate in society for as long as possible. This involves ensuring adequate resources (such as pensions and benefits), including income levels that align with societal standards and enable access to essential needs such as housing, food, cultural activities and transportation. It also mandates the provision of accessible information on available support services and associated costs, tailored to the understanding and accessibility needs of older populations.

#### 2. Promoting autonomy, independence and choice in life-style – services

The second part guarantees the right of older individuals, including those with limitations due to illness or disability, to make autonomous decisions about their lives. This includes choosing where and how to live, supported by appropriate housing options and necessary social and healthcare services. States are encouraged to implement policies that facilitate this freedom of choice, ensuring that older persons can maintain their independence for as long as possible within their preferred living arrangements.

### 3. Protecting institutionalised older persons – institutional care

The third part focuses on ensuring that older persons living in institutions receive adequate support while preserving their fundamental rights to privacy, dignity and participation in decision-making processes affecting their lives. States are obliged to ensure the availability of sufficient, affordable and well-regulated institutional care facilities that uphold these rights and prevent any form of abuse or neglect.

Moving on, it is well established that the implementation of Article 23 is characterised by its dynamic nature, adapting to evolving societal understandings and standards of older persons' rights and needs. It establishes a framework for contracting parties to adopt measures that not only protect but also empower older individuals, thereby promoting their inclusion and equality in various facets of life. Despite its dynamic nature, the full implementation of all aspects of Article 23 faces challenges, particularly because of the low acceptance of the provision among member states (given the à la carte ratification system),<sup>14</sup> the economic constraints of states parties in fulfilling these obligations uniformly due to demographic shifts towards ageing populations and states' failure to generate relevant data.

The ECSR's work has significantly broadened the original scope of Article 23, which initially focused on ensuring social protection for older persons, by incorporating elements which are critical for safeguarding the human rights of older individuals but were not explicitly stated in the original text. This expansion includes incorporating new elements such as the need for:

- comprehensive legislation to combat age discrimination beyond employment contexts (namely in access to goods, facilities and services, healthcare, education, services such as insurance and banking products, participation in policy making/civil dialogue and the allocation of resources and facilities) and ensure older persons' legal capacity and assisted decision making (in alignment with Article E);<sup>15</sup>
- measures to assess and eradicate elder abuse through awareness campaigns, legisla-

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<sup>14</sup> Article 23 has only been accepted by 22 countries out of the 46 Council of Europe member states, two of which have accepted its predecessor, namely Article 4 of the 1988 Additional Protocol to the Charter. This could also be partially explained by the fact that the paragraphs of Article 23 are not numbered; they are separated with hyphens and therefore partial ratification of the provision is not possible.

<sup>15</sup> Differential treatment based on age must be objectively and reasonably justified. States are urged to consider the physical, psychological and intellectual capabilities of older persons when evaluating the permissibility of differential treatment.

tive frameworks and institutional safeguards to locate and prevent the possibility of elder abuse within society at large, and specifically within welfare services.

Furthermore, the Committee has elaborated on and expanded existing elements of Article 23:

#### Adequate resources

The Committee focuses on states' obligation to adopt positive measures ensuring older persons have sufficient income and access to social benefits to lead a dignified life and participate actively in society. This includes examining states' pension systems (both contributory and non-contributory), supplementary cash benefits or vouchers and poverty levels among older populations. This cumulative basket of resources is then compared with local national levels of income and poverty (for example, the net median equivalised income)<sup>16</sup> in order to assess its adequacy.<sup>17</sup> According to the Committee, pension and other state benefits must be sufficient in order to allow older persons to lead a "decent life" and play an active role in public, social and cultural life". To that end, the Committee compares pensions (which need to be linked with indexes monitoring wages and consumer prices) with the average wage levels and the overall cost of living.

#### Information, services and facilities

Beyond the need for states to provide accessible information (through all possible means tailored to older persons' needs and in a language they understand) and to ascertain whether or not the information has been effectively received, the Committee evaluates the availability, extent and cost-effectiveness of services such as home help, community-based services, day care for dementia patients, rehabilitation, meals delivery, residential care, emergency shelters and cultural, leisure and educational facilities. The ECSR interprets this as a right of older persons to claim these services from the state through progressive realisation (see above) whereas a principle, such as equality in access to services, is considered an obligation of immediate application. This broader interpretation signifies the importance of empowering older people and providing practical support in enabling older

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<sup>16</sup> Article 23 requires minimum income to be at a level where the benefit would reach at least 50% of the country's net equivalised median income.

<sup>17</sup> The inclusion of terms like "adequate resources" in Article 23 is interpreted with reference to other Charter articles (e.g. Articles 12(3) and 13), ensuring consistency in social protection and assistance measures across different provisions. Social assistance complements the protection provided under Article 23 without overlapping its scope.

persons to live independently.

### Healthcare

The Committee has stressed that healthcare expands beyond basic healthcare to include specialised services like mental health programmes, palliative care and special training for caregivers. In addition, it has emphasised the need for measures aimed at improving the accessibility and quality of geriatric and long-term care, and the coordination of social and healthcare services in respect of older persons. The Committee urges states to enhance healthcare services tailored to the specific needs of older populations, ensuring availability, accessibility and quality without unreasonable obstacles. In that context, the Committee scrutinises the costs associated with care, particularly home care and pharmaceutical products, to ensure they do not impose excessive financial burdens on older persons, thus affecting their ability to participate fully in society. Health services need to be close by or brought to people's home, and older persons must be consulted on all decisions concerning their care and treatment.

### Housing

The Committee emphasises the right to suitable housing that accommodates the health needs of older individuals. It calls for policies supporting "ageing in place" through adapted housing and financial assistance for home modifications, since moving elsewhere is often not a viable option, given that it uproots the older person from his/her "natural" environment. While access to adequate housing should be considered a right of progressive implementation, states are expected to make measurable progress within a reasonable timeframe, with financing aligned to maximise available resources. This involves maintaining statistics on needs and resources, conducting regular impact reviews, establishing timetables for achieving objectives and considering the policies' impact on vulnerable older people. There also need to be reasonable waiting periods to access housing options for older people, while unreasonably long periods in temporary shelter are in violation of the Charter.

### Institutional care

The Committee recognises the unique needs of older persons in institutional settings, focusing on availability and quality of institutional care. Availability is linked to the adequate supply of beds or institutional facilities (public or private), waiting times or waiting lists,

affordability and costs,<sup>18</sup> as well as specialised institutions. Quality, on the other hand, is linked to professionalism and supervision of nursing institutions, for example in licensing, staff qualifications and wages monitoring, and existence of independent inspection systems and complaint mechanisms. The right to an effective remedy and the establishment of independent inspection systems for institutional care, in particular, are considered by the Committee as obligations of immediate application. According to the Committee, even non-state services must meet established standards. The Committee advocates for community-based alternatives to institutional care where feasible, ensuring that institutional care respects older persons' autonomy, privacy<sup>19</sup> and quality of life. Lastly, states must ensure older persons in institutions have the opportunity to participate in decisions concerning their living conditions. This includes measures to enable their active involvement in decisions that affect their daily lives within institutional settings.

Therefore, currently, the Committee's examination of Article 23 encompasses seven main categories: legislative framework, elder abuse prevention, adequate resources, information accessibility and services, healthcare services, housing provisions and institutional care quality. Each category is scrutinised, and state performance is benchmarked against international norms and comparative data to ensure compliance with the Charter's principles, emphasising dignity, autonomy, equality, solidarity and full participation in society for older individuals.

Throughout its interpretations, the Committee adopts a rights-based approach that challenges ageist stereotypes and promotes comprehensive policies that support ageing populations. Particularly through its relevant collective complaints decisions, the Committee has rejected stereotypes equating old age with vulnerability, advocating for the human rights of older persons and challenging negative societal perceptions portraying old age as inherently deficient.<sup>20</sup> Lastly, the Committee has urged states to take comprehensive ac-

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18 The Committee has considered that arbitrary municipal practices in allocating caregiving aid, and excessive fees for care institution access, which often exceeded pension amounts, are in violation of Article 23 of the Charter. See the decisions on the merits of the ECSR on Complaints No. 70/2011 and 71/2011, *The Central Association of Carers in Finland v. Finland*.

19 In defining the scope of privacy rights for older individuals in institutions, the Committee may draw upon the case law of the European Court of Human Rights, particularly Article 8 of the European Convention on Human Rights. This article protects the right to respect for private life and includes both negative obligations (state non-interference) and positive obligations (ensuring effective privacy protections).

20 See the decisions of the ECSR on the merits of Complaint No. 165/2018, *Panhellenic Association of Pensioners of the OTE Group and Complaint No. 210/2022, International Federation of Associations of the Elderly (FIAPA) v. France*.

tions beyond legislative measures to combat ageism effectively.<sup>21</sup> This includes:

- reviewing and amending existing laws and policies to remove age-based discrimination;
- developing action plans that ensure equal opportunities and rights for older persons;
- promoting positive attitudes towards ageing through widespread awareness campaigns and fostering intergenerational solidarity.

In conclusion, unlike the European Court of Human Rights (ECtHR) that primarily addresses individual appeals rather than broader societal issues,<sup>22</sup> the ECSR's multifaceted approach to Article 23 ensures a holistic evaluation of states' efforts to protect older persons' rights. While acknowledging financial and cultural differences among states, as well as differences in methods and priorities, the ECSR maintains rigorous standards, pushing for continuous improvement in elder care policies and practices. As a result, through its work, the ECSR not only monitors but also recommends improvements and fosters awareness and accountability among states regarding older persons' social and economic rights, in addition to their civil and political rights, given their interrelation and interdependence. The Committee's detailed examination and recommendations aim to strengthen older persons' rights, promoting clearer norms and benchmarks for states parties, thus holding them accountable for their legal obligations.

## 2.1.4 Other European Social Charter articles

It is, however, crucial that the protection of older people's rights under Article 23 is considered alongside the other guarantees provided in the Charter which are enjoyed by older persons and aim to secure full citizenship in society, as analysed in the following pages. This overlap underscores the integrated approach required to ensure older individuals receive focused and tailored support. These provisions collectively aim to ensure older people's dignity, autonomy and inclusion in society, reflecting evolving standards and obligations under international human rights law.

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21 CoE, ECSR Statement of interpretation on Article 23 (The right of elderly persons to social protection) – Ageism, 2021, <https://rm.coe.int/statement-of-interpretation-ageism-2021-en/1680ab8929>.

22 See e.g. ECtHR, Case *Dodov v. Bulgaria* (2008), Application no. 59548/00; Case *Farbtuhs v. Latvia* (2004), Application no. 4672/02.

## Work and vocational guidance and training

The right to work for older persons is safeguarded under Article 1 ESC<sup>23</sup> and is considered foundational, binding all signatory states. It includes both the negative and positive obligations of means or results and encompasses several interconnected rights: the right to choose an occupation, protection against forced labour, access to vocational training and assistance in finding work. It also obliges states to maintain high employment levels by adopting economic policies conducive to job creation and implementing measures to assist the unemployed in securing or qualifying for jobs.

Article 1(1) emphasises the policy objective of achieving high employment rates. It stresses that strategies aimed at high employment must include older workers. Excluding older workers from such strategies without objective justification could potentially raise issues under this provision. To assess compliance, the ECSR has developed detailed indicators, including labour market participation among vulnerable groups, such as older persons and persons with disabilities.

Article 1(2) implicitly prohibits forced or compulsory labour. It also suggests that older workers should not be penalised for refusing job offers that require physical or mental abilities they may lack due to age. Effective anti-discrimination measures should ensure equal access to employment opportunities and prevent the indirect exclusion of older workers by employment services. Non-discrimination on the basis of age is further reinforced by Article 24 ESC,<sup>24</sup> which focuses on the protection of employees from unjust termination, emphasising valid reasons for dismissal and highlighting the issue of age discrimination in employment termination practices, particularly mandatory retirement. Articles 1(2) and 24 collectively aim to prevent differential treatment in employment that lacks a legitimate aim and is disproportionate in its impact.

The ECSR applies a stringent test to determine discrimination, focusing on comparable situations and legitimate aims. It has affirmed that age-based termination, such as mandatory retirement policies, could violate Article 24 unless explicitly justified under the defined legitimate grounds (capacity, conduct or operational needs). The ECSR has differentiat-

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23 Accepted by Georgia.

24 Not accepted by Georgia.

ed between employer-initiated mandatory retirement and statutory mandatory retirement (where employment ceases by law at a certain age). Only employer-initiated termination based on age falls under scrutiny; statutory retirement, where an age-based retirement is mandated by law but is not at the employer's discretion, does not breach Article 24. For instance,<sup>25</sup> the ECSR has ruled that terminating the employment of seamen solely based on reaching the age of 62 constituted age discrimination, highlighting the requirement for justifications linked to capacity, conduct or operational needs.

Article 1(4), in conjunction with Articles 9 (vocational guidance),<sup>26</sup> 10 (vocational training)<sup>27</sup> and 15 (rights of persons with disabilities) ESC,<sup>28</sup> highlight the benefits for older workers needing vocational guidance, (re)training or rehabilitation to retain their jobs, advance their careers, transition to new roles or remain competitive in the job market (e.g. by enhancing their e-skills). Additionally, Articles 20<sup>29</sup> and 27<sup>30</sup> could be combined with the above to ensure gender equality and support for workers with family responsibilities to explicitly apply to vocational training, thus ensuring equal opportunities.

Continuing vocational training is pivotal in supporting the active ageing of the workforce and addressing demographic shifts impacting Europe's labour dynamics. Thus, all these articles collectively promote human resource development to align labour market demands with individual capabilities. Equal access to these services is crucial for older workers to adapt to evolving job demands and enhance their employability. States must ensure accessibility and adequacy of vocational guidance services to facilitate social integration and independence. This overlap between the different Charter provisions highlights the comprehensive approach needed to ensure that older workers receive adequate support for skills development and career enhancement.

The ECSR monitors compliance with these provisions under specific assessment criteria, assessing whether older workers face barriers in accessing employment opportunities, vo-

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25 See the decision on the merits of the ECSR in Complaint No. 74/2011, Fellesforbundet for Sjøfolk v. Norway.

26 Not accepted by Georgia.

27 Paragraphs 1 and 3 (which are the most relevant to older persons), as well as paragraph 5 have not been accepted by Georgia. Paragraphs 2 and 4 have been accepted by Georgia.

28 Out of the 3 paragraphs of Article 15, Georgia has only accepted paragraph 3.

29 Accepted by Georgia.

30 Accepted by Georgia.

cational training or other supportive services. It emphasises the need for tailored vocational guidance programmes for these vulnerable groups, including specific schemes designed to meet their unique needs. In addition, the Committee specifically looks for evidence of specialised guidance initiatives for sensitive groups, such as older persons, and evaluates states' responsiveness to economic fluctuations in their vocational guidance strategies. Issues such as unequal access or discriminatory practices can be deemed as violations under the Charter, prompting corrective actions by contracting parties.

Undeniably, the implementation of these obligations is complex and requires time, structured policies, administrative infrastructure, budgetary resources and comprehensive actions tailored to each country's specific needs and resources. The Charter does not prescribe specific methods or organisational structures for vocational guidance services, allowing states significant latitude in how they design and execute their vocational guidance policies. Despite this flexibility in implementation, states are not expected to immediately achieve the highest standards of vocational guidance outlined in the Charter but are obliged to progressively approach them. This approach should avoid any regression in the quality or availability of vocational guidance services for older persons and should include maintaining minimal standards such as coordination between public and private sectors, adequate budgetary resources, sufficient trained staff and significant outreach to beneficiaries.

Lastly, as analysed elsewhere and not further discussed in this report, for the purposes of delimitation,<sup>31</sup> Articles 2,<sup>32</sup> 3<sup>33</sup> and 4<sup>34</sup> ESC protect essential labour rights such as just conditions of work, safe and healthy working environments and fair remuneration, all crucial for the dignity and wellbeing of older workers.

### Social security, social and medical assistance and social services

Article 12<sup>35</sup> ESC guarantees the right to social security broadly, encompassing the establish-

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31 See in detail M. Smusz-Kulesza, Report on the Needs Assessment in Respect of Social Rights in Georgia Conducted Within the Framework of the Council of Europe Project 'Strengthening Protection of Social and Economic Rights in Georgia', 10 November 2021, <https://rm.coe.int/needs-assessment-report-eng/1680a4af29>.

32 Partially accepted by Georgia.

33 Not accepted by Georgia.

34 Partially accepted by Georgia.

35 Out of the 4 paragraphs of Article 12, Georgia has only accepted paragraphs 1 and 3.

ment and maintenance of a social security system, defining minimum levels of benefits and progressively improving these benefits over time. It also ensures equality of treatment and rights regarding social security among nationals of different contracting parties. The ECSR assesses compliance with Article 12 by examining the population covered, the risks addressed, benefit levels and funding mechanisms of the social security system. It scrutinises measures to prevent employers from avoiding paying social security contributions and highlights the importance of reducing informal employment to safeguard the sustainability of social security systems.

Article 12 mandates a comprehensive social security system covering contingencies like unemployment, sickness, healthcare, old age, maternity, employment injury, family benefits, invalidity and survivors' benefits. It operates on a social insurance basis, involving contributions from individuals, employers and the state. Benefits under social security should reasonably replace lost income and not fall below 50% of the median equivalised income to prevent poverty. Unemployment benefits should be provided for a reasonable period, and recipients should have a grace period to refuse job offers that do not match their skills, an aspect which is particularly relevant for older workers.

Article 12 imposes a “dynamic obligation” on states to continually improve their social security systems. This means states must demonstrate ongoing efforts to enhance their systems, and the Committee monitors any potential regressions in member states' implementation of social security rights, such as changes in pension schemes or healthcare reimbursements. The Explanatory Report to the Additional Protocol to the ESC clarifies that Article 12 can be used to interpret the rights of older persons under Article 23, but only when necessary.<sup>36</sup> This suggests a potential overlap in scope between the two provisions, with Article 12 providing more specific protections which can further define the broader rights embodied in Article 23.

Article 13<sup>37</sup> ESC guarantees social and medical assistance as a matter of right to individuals in need, including older persons who may not be fully covered by pension benefits. Social assistance is contrasted with social insurance as a needs-based benefit accessible through means testing, unlike the contributory-based benefits of social insurance. Social

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36 Explanatory Report to the Additional Protocol to the European Social Charter, Strasbourg, 5.V.1988, ETS No. 128, <https://rm.coe.int/16800cb346>.

37 Not accepted by Georgia.

assistance ensures cash transfers outside of insurance schemes or when insurance benefits are inadequate. It is financed by general taxation and aims to meet essential needs that market mechanisms fail to address due to a lack of purchasing power. Assistance can be in cash or in-kind and is not contingent upon contributions. It ensures subsistence, particularly in emergencies. Medical assistance, on the other hand, includes non-emergency medical care, while denial of treatment solely based on the severity of illness may violate the right to equality, especially with regard to older persons.

States must ensure access to this assistance through an enforceable right, which includes the right to appeal administrative decisions and the provision of free legal aid where necessary. Article 13 mandates that the entitlement to social assistance should be based solely on economic need and lack of resources, without additional conditions such as length of residence. States must ensure that all eligible individuals, including non-nationals legally residing or working within their territory, are aware of and able to access their entitlements without hindrance. Discriminatory practices, including restrictive eligibility criteria based on residency or age, are scrutinised for compliance with Charter protections. It should be noted that states remain accountable even when social assistance is decentralised, ensuring reasonable uniformity across regions.

The Committee emphasises that Article 13 requires states to develop integrated strategies to assist individuals and families in overcoming poverty, aligning with the broader goal of ensuring adequate social and medical assistance to those in need. A precise legal threshold based on poverty indicators (like 50% of median equivalised income) must determine eligibility, with clear criteria for granting benefits. According to the Committee, benefits can be monetary or in-kind but must adequately cover basic needs and promote a decent standard of living.

Article 14<sup>38</sup> ESC, on the other hand, mandates contracting parties not only to promote but also to provide and ensure the effectiveness of social welfare services through methods of social work. This aims to support individuals with social problems and vulnerable groups, such as older persons, promoting their welfare, development and integration into society, while ensuring personal autonomy. The ECSR's interpretations emphasise that Article 14 requires a coordinated approach between public authorities and private organisations to es-

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38 Accepted by Georgia.

establish and maintain social welfare services. It does not mandate free access but instead promotes cooperation for service provision. States are obliged to actively engage with civil society in welfare policy areas affecting social services. This includes promoting the participation of specific user groups in decision-making bodies alongside public authorities, which is particularly relevant for older persons. The concept of co-production involves collaborative efforts between service users and providers. In that context, the ECSR examines how states ensure and promote user involvement in legislation, budget allocations, decision-making processes and service delivery to meet these standards.

Article 14 guarantees everyone the individual entitlement to receive counselling, advice, rehabilitation, home help, residential care and emergency social services by means of social work. There is no equivalent immediate right, but such services must be provided according to national welfare needs, social and cultural traditions, family responsibilities and available resources. However, the public authorities and ultimately the contracting state are responsible for ensuring that no one is abandoned. States have a margin of appreciation in choosing methods and priorities for implementing Article 14, but they must demonstrate measurable progress and allocate sufficient resources to achieve the Charter's goals. Article 14 is closely linked with several ESC provisions, particularly Article 13 and Article 12. Article 14 is broader in scope than Article 13(3), which specifically addresses assistance for individuals without adequate resources. This distinction ensures that Article 14 covers a wider array of social welfare services applicable to all individuals, not just those in immediate need. The ECSR has dealt with potential overlaps between Article 14 and other provisions, emphasising that compliance with Article 13(3) does not necessarily fulfil the obligations under Article 14. Article 14 requires states to ensure a broad range of social welfare services, whereas Article 13(3) focuses on specific forms of assistance for the economically disadvantaged.

The aforementioned requirements also overlap with those under Article 23. It is possible to deduce from the wording that Article 23 sets more extensive quantitative and qualitative requirements for the services provided to older persons, for their monitoring and for related legal remedies. Generally, Article 14 pertains to social welfare services universally, whereas other ESC provisions (e.g., Articles 15, 16, 17, 19, 23, 31) directly address the needs of specific vulnerable groups such as persons with disabilities, children, migrant workers and older persons. States are obliged under these specific articles to develop strategic objectives and allocate resources accordingly to meet the distinct needs of these groups, sep-

arate from the broader scope of Article 14. In any case, these articles collectively form the social policy framework of the Charter, aiming for comprehensive social protection systems that prevent marginalisation and reduce poverty.

### The right to health

Article 11<sup>39</sup> ESC guarantees the right to protection of health. Unlike other provisions in the Charter that specify health rights for specific groups or aspects, Article 11 emphasises the broader societal entitlement to a robust health system. It encompasses state policies aimed at safeguarding health, extending beyond mere medical assistance to encompass overall health protection goals. State parties to the ESC are legally bound to ensure effective measures under Article 11, including curative health, promotional health and preventive health. According to Article 11(1), two fundamental standards of health services are decisive: everyone has the right to emergency medical treatment and to adequate treatment within a reasonable waiting time.

The Committee, overseeing compliance with this article, has consistently emphasised the need for contracting parties to integrate provisions specifically aimed at safeguarding the health of older persons into their national health systems, while using specific indicators to evaluate state performance. The adequacy and inclusiveness of health provisions are especially critical for older individuals facing heightened health risks due to ageing. The Committee's assessments highlight the importance of preventative health measures tailored to address the age-related health concerns of older people. This includes advocating for health systems that not only treat but also prevent health issues specific to ageing populations.

According to the Committee, policies that discriminate in health service triage based on age are viewed critically under Article 11, in conjunction with Article E of the ESC. Such guidelines stipulate that age should not be the sole determinant of priority in healthcare access; instead, it should be considered alongside the patient's overall medical condition and specific treatment risks. In addition, long waiting lists for health services, though often inevitable due to limited resources, can significantly affect the rights of older individuals to timely care.

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39 Accepted by Georgia.

Article 11 of the ESC complements Article 23 by guaranteeing the right to protection of health, which includes specific measures to safeguard the health of older persons. The ECSR emphasises that access to healthcare should not be financially burdensome for older persons, advocating that the costs must be borne collectively by the community. This principle aims to ensure equitable access to healthcare services without discrimination, particularly for vulnerable groups. As discussed, the ECSR interprets the right to health under both articles broadly, encompassing not only nursing home care but also requiring states to establish comprehensive healthcare services for older persons, including primary care, mental health programmes and health promotion initiatives for those choosing to stay at home. This expansive interpretation reflects the ECSR's commitment to ensuring holistic healthcare access for older populations.

Lastly, the ECSR acknowledges the progressive nature of implementing these healthcare rights, recognising the resource-intensive nature of health systems. While advocating for measurable progress, it emphasises that states must ensure access to existing health services without discrimination, aligning with Article E of the ESC.

#### The right of persons with disabilities to independence, social integration and participation in the life of the community

Article 15 ESC<sup>40</sup> aims to promote equal citizenship and full participation in society for older persons with disabilities. It emphasises rights such as independence, social integration and active involvement in community life. This approach signals a shift from viewing persons with disabilities as passive recipients of charity to recognising them as rights-holders capable of making decisions regarding their lives with dignity and autonomy. Central to Article 15 is the principle of non-discrimination, ensuring that all persons with disabilities, regardless of the nature or origin of their disability and irrespective of their age, are entitled to equal treatment in both law and practice. Article 15 is aligned with international frameworks, particularly the CRPD and International Labour Organization (ILO) conventions laying down detailed standards for employment, vocational rehabilitation and non-discrimination in the workplace for persons with disabilities.

Article 15(1) of the ESC guarantees all persons with disabilities the right to education and

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40 Out of the 3 paragraphs of Article 15, Georgia has only accepted paragraph 3.

training, including primary education, general and vocational secondary education and other forms of vocational training. The ECSR interprets this provision broadly, encompassing higher education, including university education, viewing education as essential for accessing the open labour market and achieving self-determination.

Article 15(2) mandates states parties to promote equal and effective access to employment on the open labour market for persons with disabilities, covering all types of disabilities. The ECSR highlights the need for national legislation prohibiting disability-based discrimination in employment, ensuring genuine equal opportunities and prohibiting dismissal based on disability. Employers are required to provide reasonable accommodation to facilitate access to employment and to support the continued employment of persons who acquire disabilities during their work tenure. While quotas for disabled employees are not mandatory under Article 15(2), their effectiveness, if implemented, is considered in assessing compliance. Lastly, Article 15(3) aims to remove barriers to communication and mobility, ensuring persons with disabilities can access transport, housing, cultural and leisure activities to achieve independence, social integration and community participation. The ECSR requires states parties to implement comprehensive non-discrimination legislation covering public and private sectors, with effective remedies for discrimination. A coherent policy with proactive measures is necessary to facilitate social integration and full participation, with consultation mechanisms involving persons with disabilities in policy design and implementation.

#### The right of the family to social, legal and economic protection

Article 16<sup>41</sup> ESC emphasises the importance of family support for older persons, recognising that family relationships are crucial throughout the life course. It highlights the role of informal caregivers, often spouses or partners, who provide essential care as older adults' long-term care needs increase. This informal caring is pivotal for maintaining older persons' wellbeing and identity. The concept of family under Article 16 extends beyond marital relationships, encompassing diverse familial structures. It guarantees families the right to housing, intersecting with Article 31 of the ESC.

Moreover, Article 16 obliges states parties to protect the legal rights of families based on

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41 Not accepted by Georgia.

equality between spouses, particularly regarding family property and protection against domestic violence and abuse, especially affecting older women. Legal measures such as restraining orders, effective prosecution of perpetrators and support services for victims are mandated. Practical implementation, including data analysis, police training and victim support services, must be in place to prevent violence and assist victims effectively. This provision also intersects with and reinforces social security (Article 12) and social assistance (Article 13) obligations.

The article stresses economic protection for families, acknowledging that informal caregivers, often women, may leave the labour market for extended periods to care for older family members. This sacrifice can impact their social insurance records and subsequent pensions, despite some countries offering credits to offset this. However, these credits are often insufficient or restrictive, leaving caregivers without adequate social protection in their own old age. This situation can potentially be challenged under Article 16, possibly in conjunction with Article 27 (the right of workers with family responsibilities to equal opportunities and equal treatment)<sup>42</sup> and Article E, focusing on equal treatment.

#### The right to protection against poverty and social exclusion

Article 30<sup>43</sup> ESC addresses the multifaceted issue of poverty and social exclusion. It introduces a rights-based perspective to tackle various forms of poverty and exclusion, emphasising the need for coordinated policies and monitoring mechanisms for anti-poverty measures. According to the ECSR, poverty refers to deprivation caused by insufficient resources, encompassing income poverty as a crucial aspect but also taking into account other rights deprivations. Living in poverty and social exclusion is seen as a violation of human dignity, influenced by factors such as unemployment, homelessness, declining health and inadequate education.

Article 30 of the ESC is closely interconnected with other provisions of the Charter, explicitly mentioning access to employment, housing, education, culture and social and medical assistance. It highlights the importance of social security and assistance in preventing poverty and exclusion. While Articles 12 and 13 cover significant aspects of individual en-

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42 Accepted by Georgia.

43 Not accepted by Georgia.

itlements, Article 30 evaluates the overall systemic adequacy<sup>44</sup> in reducing poverty risks across the population. The ECSR uses UN guidelines to assess social systems, emphasising the agency and autonomy of individuals living in poverty, aligning with principles of active social citizenship.

Articles 12, 13, 23 and 30 collectively ensure a social floor beneath which no one should fall, emphasising not only material provision but also social inclusion and participation. While serving different purposes (e.g. reducing poverty versus ensuring participation), they collectively support the overarching goal of social inclusion and security for older persons.

The Committee requires states parties to adopt an “overall and coordinated approach” to address poverty and social exclusion. This approach involves developing analytical frameworks, setting priorities and implementing measures to prevent and remove barriers to accessing fundamental social rights. It emphasises policy integration across sectors rather than a segmented approach targeting specific groups. In addition, effective monitoring mechanisms involving civil society and affected individuals are essential.

### The right to housing

Article 31 ESC<sup>45</sup> addresses various aspects crucial for ensuring adequate housing conditions for all, including vulnerable groups such as older persons, who, in the absence of appropriate community-based services, face housing insecurity. The ECSR has highlighted that social segregation violates Article 31, indicating a similar rationale should apply to settings isolating older persons. Under Article 31(3), states must ensure social housing targets the most disadvantaged groups, which often include older persons. They must also minimise waiting times and provide judicial remedies for disputes over waiting periods, reinforcing accessibility and fairness in housing allocation. In light of Article 31, in conjunction with Article E, national housing laws and strategies that disproportionately affect older persons could be considered as contrary to the Charter.

Article 23 overlaps with the requirements of Article 31. Its supervision should focus on the same issues as under Article 31, i.e. on both the quantitative and qualitative aspects of the

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44 Adequacy is assessed by the ECSR using comparative indicators like the at-risk-of-poverty rate before and after social transfers according to Eurostat.

45 Accepted by Georgia.

right to housing. From the viewpoint of access to housing, the key questions are: 1) fair contracting, 2) availability of social rental housing units, 3) their allocation and 4) pricing. In respect of adequacy of dwellings, the key issues are: 5) habitability of the dwelling and 6) its suitability. This suitability criterion vis-à-vis older persons puts emphasis on availability, e.g. lifts in housing blocks in urban areas.

### Non-discrimination

The principle of non-discrimination is fundamental within the ESC framework. Article E specifically prohibits all forms of discrimination in the enjoyment of rights outlined in the ESC, including discrimination based on age. While Article E itself does not create independent grounds for complaints against state parties, it ensures that discrimination is not tolerated in the implementation of the Charter's binding rights.

The ECSR distinguishes between direct and indirect discrimination. Direct discrimination involves treating individuals differently in comparable situations without a legitimate aim, objective grounds, or proportionality. Indirect discrimination occurs when seemingly neutral legislation disproportionately affects a specific group due to failure to consider relevant differences or ensure equal access to rights. Recent ECSR cases have examined indirect discrimination, assessing whether ostensibly neutral laws unjustly impact certain groups, such as older people. In addition, the ECSR is also concerned with issues of multiple discrimination and issues of intersectionality, e.g. concerning disabled older women. To combat discrimination effectively, the ECSR recommends states to:

- collect accurate data to understand the scope of discriminatory practices;
- demonstrate that policies are non-discriminatory where evidence suggests otherwise;
- provide oversight and regulate local actions to prevent discrimination; and
- ensure access to rights and benefits for all individuals, considering relevant differences among groups.

In conclusion, the ECSR consistently emphasises states' obligations to combat age discrimination in various societal aspects, reflecting broader human rights principles.

## 2.1.5 The role and responsibilities of local authorities towards older persons under the European Social Charter

Local governments, especially in Europe amidst decentralisation trends, play a crucial role in implementing older persons' social rights guaranteed by the Charter, reflecting principles of subsidiarity and local autonomy. Article I of the ESC identifies local authorities as recipients of treaty obligations, even though traditionally they are seen as agents of the state without direct international responsibilities, subject to state oversight and reporting requirements. The conduct of local authorities constitutes state action under international law, requiring compliance with Charter obligations. Therefore, while states may delegate powers to local authorities, this delegation does not absolve them of their international obligations under the Charter. States must ensure local governments receive adequate resources and support to fulfil these responsibilities without compromising Charter commitments. Effective implementation may require central oversight to ensure compliance across all levels of governance, while failure to constrain or sanction local actions that violate Charter rights may constitute a state's violation of international obligations. In that context, the ECSR emphasises the state's role in supervising and regulating local actions to uphold Charter standards.

Remarkably, a combined reading of the ESC and the Council of Europe's European Charter for Local Self-Government<sup>46</sup> underlines the obligation for states to decentralise tasks and resources to local authorities, empowering them to manage public affairs autonomously while adhering to human rights standards. Local governments must respect human rights in their policies and practices, supported by a conducive national environment that facilitates compliance with ESC obligations.

In the context of older persons' rights, the ECSR provides guidance to local authorities on implementing policies that support older persons within the framework of the ESC and the European Charter for Local Self-Government. It monitors how local entities provide services to older persons, ensuring compliance even where services are decentralised. States must provide information on service provision responsibilities, and local authorities must prevent elder abuse and ensure independent living for older persons. The ECSR's jurisprudence on collective complaints also highlights that local authorities must comply with Ar-

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46 Ratified by all Council of Europe members states, including Georgia.

ticle 23 ESC and the other ESC provisions relevant to older persons, even when delegated significant discretion. Cases have shown violations where local discretion is overly broad or where services fail to meet older persons' needs adequately.<sup>47</sup> Effective decentralisation of welfare services requires clear obligations and oversight to ensure compliance with ESC standards.

In conclusion, the ESC, alongside the European Charter for Local Self-Government, offers a potential avenue for enhancing local government accountability and effectiveness in implementing age-related policies in line with international standards.

## 2.2 Council of Europe and United Nations soft law instruments influencing and complementing the European Social Charter

The Council of Europe has progressively shifted its focus toward autonomy, inclusion, participation and equality in addressing the rights of older persons. This evolution reflects a move away from traditional protectionist approaches to more modern, empowering frameworks, based on human rights and reinforcing the centrality of the ESC standards. In addition, the Council of Europe has recognised the overlapping issues of ageing and disability and the need for inclusive policies that promote autonomy, active participation and independent living, while ensuring protections against violence, exploitation and neglect.

The Committee of Ministers, the primary policy-setting body of the Council of Europe, uses recommendations to guide member states on reforms. Although not legally binding, these recommendations influence domestic policies and judicial decisions, notably by the ECtHR. Key Committee of Ministers recommendations include the following:

- Recommendation No. R (94)9 emphasised the value of older persons to society and intergenerational solidarity and advocated for equal participation, particularly within institutional settings.
- Recommendation CM/Rec(2009)6 constituted a pivot towards autonomy and active participation, particularly in overlapping areas of ageing and disability, and promoted the right to choice and self-determination. In addition, it highlighted the poor quality

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<sup>47</sup> See the decisions on the merits of the ECSR on Complaints No. 70/2011 and 71/2011, *The Central Association of Carers in Finland v. Finland*.

of existing services and advocated for older persons' involvement in designing, implementing and evaluating services, particularly those that are community-based.

- Recommendation CM/Rec(2014)2 focused on ensuring the equal and effective enjoyment of human rights by older persons. It emphasised equality, non-discrimination, personal autonomy and participation, while advocating for older persons' involvement in decision-making and maintaining their legal capacity with appropriate support. Lastly, it addressed social protection and employment aspects, encouraging the inclusion of older persons in labour market policies, and highlighted the need for proper consent in medical care.

The Parliamentary Assembly of the Council of Europe (PACE) has also played a significant role in advancing the rights of older persons, primarily by shaping public opinion and signalling emerging consensus among member states. Although PACE does not adopt legislation or treaties, its recommendations and resolutions reflect and influence policy directions across Europe. Key PACE recommendations and resolutions include the following: Recommendation 1619(2003) focused on the rights of older migrants.

- Recommendation 1749(2006) addressed the financial viability of social protection programmes in light of Europe's ageing population and called for greater focus on demographic shifts and their implications.
- Recommendation 1796(2007) highlighted discrimination against older persons and their social exclusion, and dealt with intersectional discrimination, particularly against older women and migrants.
- Resolution 1793 (2011) asserted that age discrimination undermines dignity and is a waste of talent. It called for legislation to combat age discrimination and for programmes to change societal attitudes, emphasising the roles of older persons as citizens, workers, carers, and consumers.
- Resolution 1958 (2013) focused on combating age discrimination in the labour market, especially for older women, who face additional challenges due to caregiving responsibilities and the resulting gaps in pension entitlements. It recommended anti-discrimination legislation and measures to accommodate older workers.
- Resolution 2168 (2017) noted persistent negative stereotypes and age discrimination leading to violence, isolation and exclusion of older persons. It recommended combating ageism, improving care and preventing social exclusion.

Moreover, although the sister treaty to the ESC, the European Convention on Human Rights (ECHR) does not explicitly recognise older persons as a distinct social group, the ECtHR has addressed claims of discrimination through Article 14 of the ECHR, which prohibits discrimination related to the enjoyment of the rights in the Convention. Protocol 12 extends this prohibition beyond the rights in the Convention but does not explicitly include age as a prohibited ground. Nonetheless, age has been recognised as a ground for discrimination under “other status”. The Court’s case law on age-based discrimination spans across three general areas: legal capacity and autonomy, conditions of confinement and adequacy of services or pensions. In that context, key rights under the ECHR relevant to older persons include the right to life, the prohibition of torture, the right to liberty and security, to a fair trial, to respect for private and family life, to freedom of expression and to effective remedy. However, while the Court has made strides in such areas, its jurisprudence still lags behind frameworks like the Charter and the CRPD.<sup>48</sup>

The Office of the Council of Europe Commissioner for Human Rights assists member states in implementing human rights, promotes human rights education and identifies legal shortcomings, including in the area of older persons’ rights.<sup>49</sup> Important work has also been done in that field by the Congress of Local and Regional Authorities.<sup>50</sup>

On the other hand, the United Nations has increasingly focused on social policy affecting older persons, often resulting in soft law instruments that go hand in hand with the ESC standards. The first significant step was the 1982 World Assembly on Ageing, which produced the Vienna International Plan of Action on Ageing (Vienna Plan). Subsequently, the 2002 Second World Assembly on Ageing adopted the Madrid International Plan of Action on Ageing (Madrid Plan), following earlier initiatives such as the 1991 Principles for Older Persons and the 1992 International Conference on Ageing. Since 2002, the UN Department of Economic and Social Affairs has conducted periodic reviews of the Madrid Plan.

Additionally, specialised agencies like the UNFPA have contributed by compiling reports

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48 See generally CoE, Factsheet – Older people and the ECHR, 2023, [https://prd-echr.coe.int/documents/d/echr/FS\\_Elderly\\_ENG](https://prd-echr.coe.int/documents/d/echr/FS_Elderly_ENG).

49 See <https://www.coe.int/el/web/commissioner/thematic-work/older-persons>. See in particular on Georgia <https://rm.coe.int/report-of-the-council-of-europe-commissioner-for-human-rights-dunja-mi/1680a740bf>.

50 See, with respect to Georgia, <https://rm.coe.int/assessment-report-human-rights-at-local-level-in-georgia-eng/1680a524e0>. See also, generally, <https://rm.coe.int/ageing-communities-ensuring-access-to-quality-social-care-for-older-pe/1680b1a056>.

emphasising human rights-based approaches to old age. Furthermore, the UN Human Rights Council appointed an Independent Expert on the Enjoyment of All Human Rights by Older Persons in 2014. This role includes assessing implementation gaps in existing frameworks and promoting awareness of older persons' rights.<sup>51</sup>

The 2030 Agenda for Sustainable Development also calls for leaving no one behind and for ensuring that the Sustainable Development Goals (SDGs) are met for all segments of society, at all ages, with a particular focus on the most vulnerable, including older persons.<sup>52</sup> The Agenda outlines a comprehensive strategy to achieve sustainable development globally, emphasising human rights for all individuals without discrimination. Ageing intersects with several SDGs such as poverty eradication, good health, gender equality, economic growth, reduced inequalities and sustainable cities. Preparing for population ageing is crucial for achieving integrated development outcomes. At the same time, the Agenda, rather than viewing older persons solely as vulnerable, recognises them as active agents in societal development. Older persons contribute significantly to economies through workforce participation (formal and informal), taxation, consumption and transfers of assets to families. They also engage in entrepreneurship and adopt new technologies, contributing to economic growth and productivity.

## 2.3 UN draft treaty debate

In positive international law at the universal level,<sup>53</sup> there is no treaty that focuses exclusively on the rights of older persons and there are only very few fragmented references to age-related rights. While there have been notable attempts to address this textual gap through the interpretation of general provisions in human rights treaties and through wide-ranging soft law instruments, the understanding remains that there exist multiple protection gaps and that existing mechanisms are inadequate to protect age-related rights. To address these gaps, and in an attempt to reframe the global discourse around older persons through a human rights-based approach, there is a movement towards the adoption

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51 See the Commissioner's report following her visit in Georgia in 2018 <https://digitallibrary.un.org/record/1638448?ln=es&v=pdf>.

52 See in that regard, [https://www.un.org/development/desa/ageing/wp-content/uploads/sites/24/2017/07/UNDP\\_AARP\\_HelpAge\\_International\\_AgeingOlderpersons-and-2030-Agenda-2.pdf](https://www.un.org/development/desa/ageing/wp-content/uploads/sites/24/2017/07/UNDP_AARP_HelpAge_International_AgeingOlderpersons-and-2030-Agenda-2.pdf).

53 In the Americas, there exists since 2015 a specific treaty on the rights of older persons, the Inter-American Convention on Protecting the Human Rights of Older Persons, which is the first regional treaty that fully recognises the human rights of such people.

of a universal human rights treaty on the rights of older persons, which very much confirms the line of travel in the Charter and the centrality of its key provisions, as analysed above.

On 21 December 2010, and following a report by the UN Secretary-General in response to growing concerns over older persons' rights, the UN General Assembly adopted Resolution 65/182, establishing an "open-ended working group for the purpose of strengthening the protection of the human rights of older persons", known as the Open-Ended Working Group on Ageing (OEWGA).<sup>54</sup> The OEWGA was established to review the existing international framework for the human rights of older persons, identify gaps and explore potential measures to address these gaps, including the feasibility of new instruments. The OEWGA has considered numerous areas relevant to older persons' human rights, including equality, non-discrimination, violence, neglect, abuse, autonomy, long-term care, social protection, lifelong learning, access to justice, economic security and more. Each session of the Working Group has focused on different aspects, with the active engagement of civil society.

Remarkably, at its 14th session, which was held from 20 to 24 May 2024 and is likely to be the last, the OEWGA made significant progress by adopting for the first time a substantive decision on the human rights of older persons, on the basis of the proposed intergovernmentally-negotiated recommendations submitted following Decision 13/1.<sup>55</sup> This decision includes recommendations for addressing protection gaps, through a new legally binding UN convention on the rights of older persons, akin to conventions protecting women, children and persons with disabilities. The decision adopted by the OEWGA was to be presented to the 78th Session of the UN General Assembly in September 2024. This is undeniably a timely window of opportunity for Georgia to participate in these developments, which could help accelerate the ongoing revolution in old age policy in the country. It is noteworthy that during the fact-finding mission for the purposes of this report, the Georgian Government representatives expressed a lack of current engagement in the OEWGA, indicating a shift from their previous active involvement in such initiatives.

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<sup>54</sup> See the work of the Open-ended Working Group on Ageing for the purpose of strengthening the protection of the human rights of older persons, available at <https://social.un.org/ageing-working-group/>.

<sup>55</sup> <https://documents.un.org/doc/undoc/ltd/n23/096/01/pdf/n2309601.pdf?token=7lZjIHjTHFZDPvrHu-w&fe=true>.

## 2.4 EU law and Georgia's accession to the EU

The normative and jurisprudential landscape of the EU regarding older persons involves a combination of primary law provisions, secondary law directives and evolving case law, which, undeniably, help drive the overall process of change in Georgia in a manner complementary to the ESC. Although the extent to which EU law has a direct impact upon the lives of older persons is relatively limited, especially when it comes to older persons who have retired and are no longer active on the labour market, many elements of EU law have a significant impact upon the lives of older persons. For instance, Directive 2000/78/EC prohibits age discrimination in employment and occupation, generating substantial case law protecting older workers' rights to participate equally in the labour market. In addition, free movement rules impact older persons, especially those dependent on family members exercising their right to work in other states, as is the case with legislation on work-life balance and the European accessibility act.

At the same time, EU laws on competition, public procurement and the free movement of services regulate how social and healthcare services are provided, with a significant role played by private providers. EU law was previously of minimal relevance to social services, such as long-term care, but is now growing in significance. In addition, Directive 2011/24/EU on patients' rights in cross-border healthcare impacts the medical treatment accessible to older persons, while EU law coordinates social security schemes, affecting older persons' entitlements in various ways.

It is noteworthy that the Charter of Fundamental Rights of the EU (CFREU) establishes a strong foundation for older persons' rights and is complemented by the European Pillar of Social Rights, which contains several objectives of relevance to older persons.<sup>56</sup> Article 25, inspired by Article 23 ESC, emphasises the right of older people to a dignified and independent existence and participation in social and cultural life, forming a guiding principle for EU legislation and case law affecting older persons. The article includes both negative obligations (preventing actions that undermine dignity) and positive obligations (promoting social protection and healthcare). While Article 25 sets out principles rather than directly enforceable individual rights, it serves as a standard for interpreting and reviewing EU legislation and national measures implementing EU law.

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<sup>56</sup> See e.g. Principles 3 (Equal opportunities), 15 (Old age income and pensions) and 18 (Long-term care) of the Pillar.

Although the scope and content of Article 25 remain to be fully clarified by the Court of Justice of the European Union (CJEU) and national courts, the CJEU has played a crucial role in ensuring non-discrimination and social welfare for older persons, with significant case law promoting equality and integration.<sup>57</sup> Challenges remain, however, particularly in addressing economic crises and ensuring comprehensive protection from poverty of elderly people across EU Member States.<sup>58</sup>

The EU has taken several steps to advance funding for research and policy coordination related to ageing (focusing particularly on labour market participation and the silver economy), while supporting organisations promoting older people's participation in decision-making and portraying a positive image of ageing.<sup>59</sup>

Against this background, it is important to briefly review the criteria set by the European Council in Copenhagen (1993) and the subsequent conclusions of the European Commission regarding Georgia's alignment with the EU acquis. Georgia was recently officially granted candidate status by the European Council (December 2023),<sup>60</sup> although its EU accession process is de facto halted for now, given the recent developments in the country.<sup>61</sup> In any case, such an inquiry, viewed through the lens of older persons' social human rights, could potentially support Georgia in fulfilling the criteria for accession to the EU, highlighting the importance of meeting the ESC standards as a way of satisfying these criteria.

It is important to stress in that regard that Georgia's employment policy generally aligns

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57 See e.g. Case C-161/18, Villar Láiz (2019), in which the CJEU prohibited indirect sex discrimination in retirement pension calculations, emphasising the need for equality despite part-time work predominantly performed by women; Case C-914/19, Ministero della Giustizia (2021), in which the CJEU declared a national age limit of 50 years for notary access as non-compliant with EU law, balancing generational renewal with older workers' participation and integration; Case C-32/19, Pensionsversicherungsanstalt (2020), in which the CJEU stressed that retirement age should not impede the right of permanent residence in another Member State, fostering social citizenship.

58 EU Fundamental Rights Agency, Report 2018, [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-fundamental-rights-report-2018-focus\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-fundamental-rights-report-2018-focus_en.pdf).

59 See EU, Green Paper on Ageing: Fostering solidarity and responsibility between generations, 2021, [https://commission.europa.eu/document/download/2d800530-4408-4291-a229-ebd08729d561\\_en?filename=1\\_en\\_act\\_part1\\_v8.pdf](https://commission.europa.eu/document/download/2d800530-4408-4291-a229-ebd08729d561_en?filename=1_en_act_part1_v8.pdf).

60 See European Commission, Georgia, 2024, [https://neighbourhood-enlargement.ec.europa.eu/european-neighbourhood-policy/countries-region/georgia\\_en](https://neighbourhood-enlargement.ec.europa.eu/european-neighbourhood-policy/countries-region/georgia_en).

61 See European Council, meeting (27 June 2024) – Conclusions <https://www.consilium.europa.eu/media/qa3lblga/euco-conclusions-27062024-en.pdf>.

with the EU's minimum standards in terms of labour law, equality and health and safety, although no specific reference is made to older persons (see below). However, women face significant labour market inequalities, and informal employment is considered a substantial challenge. Concerning social policy, Georgia has legislation and state programmes addressing poverty and social protection, funded by general revenue and contributions to statutory funded pensions. However, challenges remain throughout these policy areas, especially for vulnerable groups of people, and there is a need for continued alignment and implementation. In particular, the adoption of a comprehensive social protection system and measures to address the segment of the population living below the national poverty line are deemed priorities, as well as the introduction of unemployment benefits, which are currently inexistent.

As regards non-discrimination, the 2014 anti-discrimination law prohibits all forms of discrimination, including that on the basis of age, while legislation ensures gender equality in employment and social policy, with institutions and provisions in place. Although Georgia's legal framework on non-discrimination and gender equality largely aligns with the EU acquis, it reportedly lacks sufficient enforcement, while issues, including domestic violence and femicides, which are relevant for older women, persist. Additionally, the protection of LGBTI rights requires significant improvement, as do the social, economic and cultural rights of minorities, which also cover many older people.

Lastly, ensuring human rights for vulnerable groups through Georgia's Human Rights Strategy is considered an essential priority. This includes the need for a comprehensive system to assess the implementation of human rights policies, through monitoring and data collection. As regards Georgia's policy on the rights of persons with disabilities, an area which is particularly relevant for a considerable proportion of older people, despite the existence of a comprehensive legal framework that signals an ongoing shift towards a biopsychosocial model, persons with disabilities face discrimination and limited access to services. Additionally, more efforts are needed to support municipalities in planning and implementing social services. As raised in our meeting with the EU delegation in Georgia, full alignment with the EU social acquis will require substantial reforms. These are not currently making progress due to the stalled negotiations in view of recent developments in the country.

### 3. STOCKTAKING ON THE SOCIAL RIGHTS OF OLDER PERSONS IN GEORGIA

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It should be noted, firstly, that Georgia has a rich history that includes periods of independence and Soviet rule. Post-independence, economic reforms aimed at liberalisation and privatisation were implemented. Georgia faces challenges related to unresolved conflicts in the Georgian regions of Abkhazia and the Tskhinvali Region/South Ossetia which impact its socio-economic landscape. Georgia's economy has shown resilience and growth since independence, marked by periods of instability and subsequent recovery. Key sectors include services, industry and agriculture, although poverty and unemployment remain significant issues. Although the country's economic reforms and business climate have attracted foreign investment, challenges persist in achieving inclusive growth and reducing poverty rates.<sup>62</sup>

According to the latest General Population Census Data (2014), which provides a comprehensive overview of the demographic, social, economic and health aspects concerning older adults in Georgia,<sup>63</sup> in 2014, the share of persons aged 65 or older was 14.3%. In 2024, the share of persons aged 65 or older has increased to 16.2%,<sup>64</sup> reflecting the steady rise in the number of older adults since 1989. By 2030, it is projected that the share of older adults will increase to 18.9%, and by 2050, it will rise further to 25.3%.

The demographic shift towards an older population in Georgia results, firstly, from declining numbers of live births.<sup>65</sup> In 2023, 40 214 persons were born compared with 56 569 in 2016. This is mostly related to a decrease in the number of women of reproductive age due to emigration, as well as the widespread practice of gender-biased sex selection since the beginning of 1990, as a result of which many fewer baby girls have been born over the decades. However, over recent years, some positive dynamics have been observed and the

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62 See ILO, Assessment of the Social Protection System in Georgia, 2021, <https://www.ilo.org/publications/assessment-social-protection-system-georgia>.

63 <https://www.geostat.ge/en/modules/categories/737/2014-general-population-census-results>.

64 <https://www.geostat.ge/en/modules/categories/41/population>.

65 Since 2003, the Total Fertility Rate has started to recover (from 1.5 in 2002) and has been around the replacement level; it shows moderate decline - from 2.0 in 2021 to 1.7 in 2023.

sex ratio at birth fluctuates around the normal biological level.<sup>66</sup> In addition, the demographic shift towards an older population in the country also results from mortality improvements (42 765 deaths in 2023 compared with 50 771 in 2016) and historic migration patterns. Emigration (245 064 emigrants in 2023 compared with 98 288 in 2016), primarily among young adults, has temporarily exacerbated the ratio of older adults, although immigration rates have also increased in the past two years (205 857 immigrants in 2023 compared with 90 227 in 2016), mainly due to an inflow of Ukrainian and Russian Federation citizens escaping the war and its consequences. Projections indicate a continued increase in the proportion of older adults, with implications for old-age dependency ratios (25.1 in 2024 compared with 21.7 in 2016 with projections indicating a rise to 29.7 by 2030 and 42.8 by 2050).

It is also important to note that, unlike many former Soviet states, life expectancy at birth has increased in Georgia. In 2023, life expectancy was 70.6 for men, while for women it was 79.4. This means, among other things, that many older women in Georgia face widowhood due to their longer life expectancy compared to that of men. Moreover, nearly half (48.4%) of older adults are economically active but are primarily engaged in the agriculture sector (85.1%), where productivity is low and informality is high (subsistence farming), most of whom remain in employment out of economic necessity.<sup>67</sup> Therefore, the potential for the active ageing of the Georgian working population is, *prima facie*, not well-developed. Furthermore, the great majority of older workers work as own-account (independent) workers (82.1%), with significant gender parity in occupational distribution, while pensions and social assistance are the main source of income for older adults. Women generally exhibit lower participation rates than men, with a significant gender gap particularly noticeable after the retirement age of 60 for women.

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66 See C. Z. Guilmoto and S. Tafuro, Trends in the Sex Ratio at Birth in Georgia: An Overview Based on the 2014 General Population Census Data, UNFPA, 2017, [https://www.geostat.ge/media/20630/4.-SRB-Trends\\_ENGL\\_Final\\_0.pdf](https://www.geostat.ge/media/20630/4.-SRB-Trends_ENGL_Final_0.pdf).

67 <https://www.geostat.ge/en/modules/categories/37/employment-and-wages>.

## 3.1 Institutional infrastructure

### 3.1.1 Constitutional framework

Georgia's human rights obligations are primarily derived from international treaties and the Constitution of Georgia.<sup>68</sup> Georgia is party to several United Nations and Council of Europe human rights treaties, including the ICCPR, the ICESCR, the ECHR and the ESC. These treaties are directly applicable in Georgian domestic law and hold a higher normative value than national law, unless they are in conflict with the Constitution. The Georgian Constitution recognises fundamental human rights and freedoms as “eternal and supreme human values”. Chapter II specifically addresses these rights, binding on all state authorities, including local ones, to act in accordance with constitutional provisions. There is no specific reference to the rights of older persons.

The Georgian Constitution serves as the foundational legal framework in the country, outlining fundamental rights applicable to all citizens. While it does not specifically address age-related rights, it guarantees universal freedoms and equality before the law irrespective of various personal attributes. It also enshrines labour rights, ensuring fair compensation and safe working conditions. In addition, it stresses state support for cultural development and citizens' unrestricted participation in cultural life, potentially justifying special provisions for older and mobility-limited individuals. However, it lacks specific references to physical development for older persons. Lastly, the Constitution secures the right to education with freedom of choice, an area where provisions could be bolstered for older individuals, and there are also guarantees on health insurance, crucial for older persons' medical needs.

Constitutional amendments in 2017-2018 strengthened the constitutional status of social rights, emphasising social justice, equality and solidarity. The state is constitutionally required to ensure healthcare, social protection, minimum subsistence and decent housing, as well as to promote employment. The Georgian Constitution acknowledges the ‘social state’ principle, emphasising social justice, equality and solidarity. While Chapter I outlines these principles, they are declaratory in nature and not directly enforceable as justiciable rights. Constitutional amendments relocated many socio-economic rights from Chap-

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68 Legal acts concerning Georgia can be found in English here <https://matsne.gov.ge/>.

ter II (Fundamental Rights) to Chapter I (General Provisions), rendering them non-justiciable. This shift aimed to prevent courts from adjudicating on matters of social policy and resource allocation, tasks designated solely to the Parliament.

The Constitutional Court of Georgia, which is responsible for reviewing the constitutionality of normative acts on the basis of complaints presented by individuals, legal persons and the Public Defender, has historically adopted a cautious stance towards social rights, citing the separation of powers and the non-justiciability of socio-economic issues. However, certain cases illustrate the Court's evolving stance, often deferring to legislative discretion while upholding principles of equality and dignity in certain cases. Despite challenges, recent cases offer avenues for future litigation on social rights, albeit within the confines of constitutional and resource limitations.

In general, there is a prevalent misunderstanding in Georgia regarding the realisation of social rights, with many believing it depends solely on the goodwill of state authorities. Social rights are proclaimed but not well-enforced, influenced by a lingering Soviet-style approach.

### 3.1.2 UNECE Road Map for Mainstreaming Ageing in Georgia (2014)

After an official invitation by the Government of Georgia, the United Nations Economic Commission for Europe developed a roadmap in 2014 aimed at integrating ageing considerations into Georgia's policies.<sup>69</sup> This initiative aligned with the Madrid International Plan of Action on Ageing and its Regional Implementation Strategy, providing guidance specifically to Georgia. An Interdisciplinary Working Group was established to develop the Road Map, ensuring collaboration between government ministries, NGOs and other stakeholders. The Road Map provides a comprehensive framework aimed at integrating ageing-related policies into Georgia's national agenda.

Historically, Georgia has lacked a coherent strategy for addressing ageing-related issues across different sectors and administrative levels. The Road Map aimed to fill this gap by providing a structured approach to policy implementation. It reviewed Georgia's existing policy and institutional frameworks related to ageing, identifying gaps and proposing

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<sup>69</sup> [https://unece.org/DAM/pau/age/Capacity\\_building/Road\\_Maps/Georgia/Publication/ECE-WG.1-22\\_12-15.pdf](https://unece.org/DAM/pau/age/Capacity_building/Road_Maps/Georgia/Publication/ECE-WG.1-22_12-15.pdf).

improvements through a life-course and holistic approach. It recommended establishing mechanisms for better coordination between ministries and levels of administration, a robust monitoring framework with clear benchmarks and indicators to track progress in implementing ageing-related policies, and also made specific thematic recommendations, most of which could still be regarded as highly valid in Georgia today.

As regards the labour market, the Road Map addressed the need to combat age discrimination, promote employment opportunities for older persons and integrate vocational education with labour market needs. In the area of social inclusion, it focused on enhancing the accessibility of public spaces, improving transport options and combating the social isolation of older persons through community engagement and technological literacy. The Road Map advocated for strengthening healthcare services, improving the affordability of medicines and expanding long-term care options tailored to older persons' needs. To address the issues of intergenerational solidarity, the Road Map emphasised the need to support multi-generational family structures, promote gender equality in caregiving responsibilities and develop alternative care services for older persons without familial support. Lastly, the Road Map addressed the impact of migration on ageing demographics, including the challenges faced by older immigrants and the potential benefits of returning emigrants.

In sum, the Road Map highlighted the need for a cultural shift towards a coordinated approach to ageing policies in Georgia. It calls for sustained collaboration with international partners and stakeholders to achieve long-term success in mainstreaming ageing across all sectors of society. Georgia committed to adopting the Road Map and developing an Action Plan to implement its recommendations. The government pledged to report progress to UNECE's Working Group on Ageing, but, to our knowledge, no such progress has been reported.

### **3.1.3 State Policy Concept on Ageing (2016) and Action Plan (2017-2018)**

In response to the UNECE Road Map, Georgia developed its "Concept of State Policy on the Ageing of the Population" in 2016, which should be considered a positive development. This policy document addressed various issues affecting older persons, emphasising healthcare improvements, integration into public life, social security, life-long learning and employment considerations. Gender mainstreaming was also highlighted as a critical com-

ponent. The document mandated the Government to develop a National Action Plan for its implementation from 2016 to 2018, while the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs was tasked with coordinating the implementation and monitoring of the plan and reporting to the Parliament's Healthcare and Social Affairs Committee.

According to the Concept, the ageing population in Georgia is rapidly increasing, impacting socio-economic development, public finances and various societal sectors. The need was stressed, primarily, to create a supportive environment and institutional mechanisms for integrating ageing issues into all policy directions. In addition, the Concept emphasised the need to foster an environment without age restrictions to ensure the participation of older persons in social, cultural, political and economic life. An important aspect of that objective was the need to improve the public perception and media coverage of issues relating to older persons.

Moreover, the Concept pointed out the need to develop and utilise the labour potential of older persons and adjust the social security system to demographic and socio-economic changes. Enhancing healthcare services tailored to the needs of older persons and promoting lifelong learning to adapt the education system to demographic changes were among the priorities of the Concept. Lastly, the document focused on a number of important horizontal issues, such as the need to integrate gender perspectives into ageing policies, promote solidarity between generations, enhance Georgia's integration into international ageing-related processes and conduct research and gather data to inform policies and programmes on ageing.

Subsequently, an Action Plan for 2017-2018 was approved to implement the State Policy Concept on Ageing, albeit with a very limited time span for implementation (nearly one year). This plan aimed to operationalise the goals set forth in the Concept, focusing on specific commitments and timelines. However, despite the formulation of comprehensive policies in the Concept and the Action Plan, reports from the Georgian Public Defender indicate significant challenges to its implementation. More than half of the commitments outlined in the Action Plan were not fulfilled, reflecting a gap between policy intentions and actual outcomes. The validity of the Action Plan expired in 2018, and no new plan has been adopted since then, which signals the lack of a comprehensive policy strategy and implementation on ageing for the past 5 to 6 years in Georgia. This lapse suggests either a lack

of political will or challenges to recognising the state's role in supporting resilience among older persons in Georgia.

### 3.1.4 Demographic Security Concept

In 2016, another important policy document, the Demographic Security Concept, was adopted. This aligns with the Georgian Constitution, international law principles and the UN 2030 Sustainable Development Goals. It outlines goals, objectives, principles and key directions for demographic security, guiding the actions of central and local authorities, which are of considerable relevance to older persons in Georgia.

The goals of the Concept have been to prevent depopulation, stabilise population size through a rational approach to migration and develop a comprehensive approach to address changes in population dynamics and to mitigate related risks to national security. The Concept therefore serves as a foundation for policies in economic, social and cultural development aiming for sustainable societal development. Notably, among the principles and overarching themes of the Concept are respect for human rights and dignity, gender and age equality, lifelong human development, evidence-based policy formulation and openness and inclusiveness in policy processes.

The Concept recognises the demographic challenges and economic implications for Georgia, such as the fact that, with an increasing working-age population, there is potential for economic growth if appropriate policies are implemented, and that increasing longevity presents opportunities for economic benefits through enhanced productivity and savings. To that end, it acknowledges the need to enhance employability for older workers through lifelong education, professional training and flexible employment options.

In addition, the Concept highlights the high prevalence of cardiovascular diseases, cancer, diabetes and respiratory diseases in Georgia, largely preventable through targeted health promotion and early detection. It also stresses the need for reforms in geriatric care, palliative care and long-term care services, as well as for support to family caregivers to balance their responsibilities and careers.

An important aspect of the Concept is the need to promote reciprocal exchanges between generations, leveraging the experience of older individuals as mentors. Other priorities in-

clude the need to ensure environments are accessible to people of all ages and abilities, to prevent and address elder abuse, neglect and violence, and to focus on poverty reduction for vulnerable groups such as older persons. Lastly, it emphasises the need to collect data on the needs and expectations of older people, in view of various demographic factors.

### 3.1.5 National Human Rights Strategy (2022-2030) and Action Plan (2024-2026)

The Human Rights Department at the Administration of the Government of Georgia has led the development of the Human Rights Strategy for 2022-2030, which is the second in Georgia's history. This strategy, adopted by the Parliament in early 2023, involved extensive collaboration with stakeholders, including government bodies, parliament and civil society. It aims to address fundamental rights across economic, social, cultural, civil and political domains, emphasising non-discrimination and focusing on vulnerable groups such as older persons, the disabled and children, and on gender issues.

Importantly, older people have a dedicated chapter in Georgia's human rights strategy, which, despite its minimal length (only half a page), marks a novel and positive development. However, as pointed out by our stakeholders, there has been a criticism that the strategy lacks actionable measures, and implementation has been hindered by changes in Government leadership and a lack of sustained political will. This is particularly a result of the fact that ageing is not a prominent issue in Georgian politics, often reduced to discussions about pensions rather than broader societal and human rights concerns. In particular, there is a prevalent perception that older people are not actively contributing members of society, which serves to reinforce their marginalisation.

The national Strategy acknowledges the significance of addressing challenges related to ageing as a top priority for the state. It aims to effectively protect and promote the rights of older persons, encourage their active participation in employment and in public life and ensure adequate provision of social and healthcare (including targeted mental health and psychosocial support services, specialised day care, palliative care and geriatric care), taking into account demographic and socio-economic changes through comprehensive measures. In addition, it aims to effectively detect, respond to and prevent violence against older individuals, as well as facilitate access to digital technologies for older persons and provide them with the necessary digital skills to maintain social connections and access

information.

The 2024-26 National Action Plan, adopted to implement the Human Rights Strategy, also includes the rights of older persons as “Priority 3” of the four priorities established. It sets out specific objectives, identifying activities, responsible agencies and partners, indicators, risks and budget considerations in the following areas:

- promotion of active involvement of older persons in employment and public life;
- provision of social and healthcare services for older persons, taking into account the impact of demographic and socio-economic changes;
- detection, prevention and response to violence against older persons;
- provision of mental health and psychosocial support services to older people who have been particularly affected by the restrictions imposed by the Covid-19 pandemic;
- promotion of access to digital technologies for older people and developing their skills to maintain contact with the outside world and ensuring their access to information;
- provision of a continuum of services, such as psychiatric services, palliative and geriatric care for older persons in specialised daycare facilities.

As noted in the 2024-2026 Action Plan, these objectives will be achieved by developing a new action plan on ageing issues, aligned with the State Policy Concept on Ageing (2024-2025), involving government agencies, civil society organisations (although their collaboration has not yet been established, according to our stakeholders) and international partners. This plan still has not been adopted. In addition, there will be targeted policy interventions, legislative amendments and resource allocation to achieve the outlined objectives, as well as regular monitoring and evaluation to ensure the action plan’s effectiveness and adaptability to evolving needs.

The new action plan on ageing, still in the course of development and which is expected to be implemented over the 2024-26 period, will reportedly integrate new government strategies and be coordinated by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs. A special council consisting of Deputy Ministers will monitor its implementation, according to official sources. In addition, there will be a working group consisting of representatives of NGOs, international organisations (UNFPA, UNECE, WHO) and municipalities. As confirmed in our meeting with UNFPA representatives, UNFPA collaborates closely with the Ministry of Internally Displaced Persons from

the Occupied Territories, Labour, Health and Social Affairs on the draft action plan for older persons.

In addition, according to official sources and as mandated by the 2024-2026 Action Plan, the Ministry of Justice is in the process of drafting specific legislation for older persons, using a multidisciplinary approach. The purpose of the draft law on the rights of older persons is to bring the legal guarantees of older persons into a single legal format in accordance with the Georgian Constitution and the existing international standards, and to improve the legal arrangements for the emergence of additional legal guarantees for ageing with dignity. This initiative aims to formalise and enhance care provisions, including day care services. Lastly, Georgia has also approved a National SDG document focusing on economic, social and environmental dimensions, to guide policy until 2030 with specific targets for 200 indicators.

### 3.1.6 Public Defender's Office

The Public Defender's Office (PDO), as laid down in Georgia's Organic Law on the Public Defender, ensures the protection and promotion of human rights and freedoms in Georgia. It acts independently and is tasked with overseeing compliance with international standards, making recommendations and engaging in educational activities related to human rights. In 2014, the Public Defender of Georgia was named as the structure for ensuring the implementation, promotion and protection of the Convention on the Rights of Persons with Disabilities. The Public Defender also exercises the functions of the National Preventive Mechanism, envisaged by the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, under the Law on Elimination of All Forms of Discrimination, the Public Defender is designated as an equality body.

The PDO has worked extensively on the subject of the rights of older persons, recognising the growing demographic challenge posed by the increasing population of older persons in Georgia and the human rights issues they face. Some dedicated staff (two persons) within the Economic, Social and Cultural Rights Department of the PDO work specifically on older persons' rights. Therefore, the situation of older persons is monitored by the PDO on a permanent basis and the findings are published in a separate chapter in the Annual Report on the Situation of Protection of Human Rights and Freedoms or in specific reports on the

rights of older persons.<sup>70</sup> In addition, the PDO has conducted monitoring of the situation of older persons living in state-funded institutions in Tbilisi and Kutaisi, as well as in residential accommodation funded by the local governments and private organisations, with important findings, which will be further analysed, along with the rest of the PDO's recommendations, in the examination of the thematic areas in Georgia's law and policy in Chapter 3.2. Lastly, the Public Defender is active in the debates concerning the rights of older persons at the international level, including in the OEWGA. Older persons (e.g. social assistance beneficiaries) can make a formal complaint to the PDO, which can then litigate on their behalf, as has been the case on several occasions or as *amicus curiae*.

### 3.1.7 Local authorities

Local authorities in Georgia have both exclusive and delegated powers defined by the Local Self-Government Code. While this Code does not explicitly mention human rights, local authorities' actions significantly impact the enjoyment of human rights at the local level, as confirmed in the 2023-2025 Strategy for strengthening the role of local government bodies in human rights realisation, developed by the national association of local governments (NALAG), the official adoption of which is pending. In addition, Georgia's Decentralization Strategy (2020-2025) aims to strengthen local governance and link it with the enjoyment of human rights, emphasising transparency, accountability and citizen participation in local decision-making.

Local authorities' competences are detailed in the Local Self-Government Code, covering areas like municipal budgeting, natural resource management, urban planning, sanitation and cultural preservation. These competences directly affect the human rights of older persons, such as the right to a healthy environment, education, cultural participation and social services accessibility. The central government can delegate additional powers to local authorities, particularly in areas where local implementation is deemed more effective, such as children's rights and disability rights.

Starting in 2019, Georgia adopted several laws including the Code on the Rights of the Child, the Law on the Rights of Persons with Disabilities and the Law on Social Work. These laws expanded the responsibilities of local government bodies to include social services and

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70 <https://www.ombudsman.ge/eng/angarishebi>.

protection. Delegation of these social powers is a key aspect of Georgia's decentralisation strategy, aiming to empower municipalities beyond the laws mentioned to further enhance local social services. The Law on the Rights of Persons with Disabilities (2021), in particular, imposed further obligations on local authorities to protect and promote the rights of these groups, including providing specific services like personal assistants for persons with disabilities.

Municipalities generally have specialised services responsible for setting health and social care priorities, budgeting and programme implementation. Health and Social Issues Committees within local councils oversee budget approval and monitor executive actions. Decisions on social assistance are typically made by committees within city halls, focusing heavily on the status of social vulnerability.

As regards local housing policies, it has been reported that there is no consistent method across Georgian municipalities to register and assess the needs of homeless individuals. This leads to discrepancies and gaps in the data crucial for identifying homeless populations and planning appropriate interventions. The implementation of existing registration instructions is hindered due to these discrepancies. Municipalities also face shortcomings in implementing programmes and budgets aimed at addressing homelessness, including deficiencies in providing shelters, housing funds and assistance programmes. Financial resources allocated to homeless persons by municipalities are limited, focusing mostly on temporary assistance like shelters and rent subsidies rather than sustainable solutions for independent living. Municipal sub-programmes predominantly focus on immediate needs for shelter and monetary assistance for rent, often leaving homeless persons who are unable to care for themselves without adequate support. The lack of effective management and prioritisation further exacerbates the exclusion of vulnerable homeless individuals from essential services.

With regard to long-term care, efforts have begun to define standards and concepts for older persons. Priorities include developing integrated care models based on biopsychosocial approaches and enhancing social assistance, alongside promoting home-based care programmes. However, according to the PDO, approximately 70% of municipalities in Georgia lack specific programmes for older persons based on needs assessments. The existing local programmes are limited to financing utility fees and providing one-off monetary assistance, primarily targeting veterans of World War II and older individuals aged 80+, 95+,

100+ and older.

Interestingly, to combat the social exclusion and loneliness that is prevalent in Georgia and to promote active ageing beyond employment, some municipalities have initiated “Clubs for Older Persons” or “Active Ageing Centres”. These are aimed at socialising, sharing experiences and providing educational opportunities for older individuals aged 60 and above, with women being particularly interested in participating. There is reportedly an increasing demand for such community-based programmes, indicating an increasing desire for social engagement and activities among older adults in Georgia.

Municipalities also offer coverage for treatment, rehabilitation costs and assistance in purchasing medications. However, the allocated amounts are often insufficient to cover these expenses throughout the year. Home-based care for older persons is not prioritised within municipal budgets, with only rare instances of such services being offered through co-financed projects by various organisations. Residential care homes operate in only some municipalities, indicating a significant gap in institutionalised care options. There is also a shortage of day care centres, further limiting available support services for older persons. Disparities also exist between urban and rural areas in the range and quality of services offered. In particular, there is insufficient additional funding for older persons in rural areas, particularly in mountainous regions with sparse populations. Except for offering home visits to rural areas to inform older residents about available services, the means available to engage such people may be ineffective.

In terms of local authorities’ actions on ensuring age-friendly environments and accessibility,<sup>71</sup> recent acquisitions of eco-friendly buses in Tbilisi have improved air quality in the capital, but outdated public transport fleets in other cities remain problematic. Urban development decisions sometimes conflict with public interest, leading to the removal of recreational area statuses for construction purposes. This raises legal concerns regarding the preservation and development of recreational spaces in urban planning.

As regards human resources and expertise, there is a relative stability in employment with-

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71 See WHO, Global Age-friendly Cities: A Guide, 2007, [https://iris.who.int/bitstream/handle/10665/43755/9789241547307\\_eng.pdf?sequence=1](https://iris.who.int/bitstream/handle/10665/43755/9789241547307_eng.pdf?sequence=1); WHO, Global Network for Age-friendly Cities and Communities, WHO/FWC/ALC/18.4, 2018, <https://iris.who.int/bitstream/handle/10665/278979/WHO-FWC-ALC-18.4-eng.pdf?sequence=1>; WHO, National programmes for age-friendly cities and communities: A guide, 2023, <https://iris.who.int/bitstream/handle/10665/366634/9789240068698-eng.pdf?sequence=1>.

in municipal health and social services, with many employees having significant experience in their roles. Most staff have access to the necessary information and literature and are experienced in assessing programme effectiveness and researching the needs of target groups, although regional variations exist, and problems are evident in remote areas and villages.

Nonetheless, municipalities face challenges due to inadequate financial and material resources, which hinder effective service delivery. Also, there is a lack of clear guidelines and standards for the delegation of financial resources, contrary to constitutional and legal provisions. Systems for needs assessment and response are underdeveloped, often relying on previous programme performance rather than real-time data. Additionally, challenges persist regarding the awareness of human rights obligations among local authorities, including those relating to older persons. There are no councils or committees of older persons at the local level in Georgia, or other initiatives to include older persons in policy decision-making. Greater efforts are needed to educate and build capacity in local authorities on broader human rights issues covered by international treaties and national legislation. Lastly, there is a lack of coordination between government agencies and donors, leading to overlapping efforts and the inefficient use of resources. As noted in the meetings with our stakeholders, legislation related to procurement and subsidising services presents barriers for municipal-level organisations and local and central governments sometimes operate independently. Furthermore, health and social care programmes designed at the municipal level lack sustainability and mechanisms to ensure they contribute to a positive impact on public health and other social wellbeing indicators, and are complementary to the federal programmes in these areas.

### **3.1.8 Civil society engagement and data and research availability**

Georgia's support system for older persons heavily relies on civil society and NGOs. However, NGOs in Georgia typically take a holistic approach, and thus also include older persons. However, with few exceptions, the rights of older persons have historically been neglected. It is noteworthy that, apart from the Pensioners Union of Georgia, the capacity of which is very low in terms of advocating for social and economic rights of older persons, there are currently no other NGOs dedicated specifically to older persons; the existing organisations often focus on veterans, persons with disabilities or other specific groups. In addition, with

the exception of the Georgian Young Lawyers' Association,<sup>72</sup> human rights lawyers and organisations in Georgia do not adequately address the rights of older persons, lacking an agenda focused on these issues.

Similarly, self-advocacy among older persons remains underdeveloped in Georgia. This reluctance among older people in Georgia to assert their rights or advocate for themselves may, among other things, be attributed to Georgian culture, which emphasises the familial role and positions of older people within society or may stem from historical experiences under Soviet rule. Advocating for their rights can be perceived as betraying family values, which stifles advocacy efforts, hinders evidence-based approaches on the specific needs of older persons and limits their participation in decision-making processes.

Lastly, despite the existence of a Consultative Council for the Rights of Persons with Disabilities in Georgia, there is no dedicated council or working group with representatives of the state, civil society and other stakeholders discussing issues exclusively relating to older persons. At the same time, cooperation on human rights issues between the Government and NGOs and CSOs has been affected by recent laws on foreign influence,<sup>73</sup> leading to a slowdown in collaboration.

As regards the availability of research and data on older persons in Georgia, there is a lack of comprehensive material. This gap impedes the development of effective programmes and policies tailored to their specific needs. Current data gaps exist, in particular, in aspects crucial for older populations, such as abuse and homelessness. The National Statistics Office of Georgia (GeoStat) is mandated by the Law of Georgia on Official Statistics to collect, analyse and disseminate national statistical data. It operates independently to ensure data integrity and quality. Many stakeholders reported the critical need for comprehensive data disaggregated by age to inform evidence-based policies and programmes. It was also pointed out that there is a need to understand the desires and needs of older people themselves, particularly regarding the possibility of active ageing and independent living.

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72 See L. Macharashvili, *The Legal Status of Older Persons in Georgia*, GYLA, 2022, <https://www.gyla.ge/files/2020/%E1%83%99%E1%83%95%E1%83%9A%E1%83%94%E1%83%95%E1%83%94%E1%83%91%E1%83%98/untitled%20folder/THE%20LEGAL%20STATUS%20OF%20OLDER%20PERSONS%20IN%20GEORGIA.pdf>.

73 See in that regard the opinion of the Council of Europe's Venice Commission, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)020-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)020-e).

## 3.2 Law and policy on thematic issues

To be in a position to better identify and understand Georgia's law and policy on thematic issues related to age, it is important to first identify some of the key actors within the Georgian public system structure and their responsibilities with respect to fulfilling the needs of older persons and the securing of their social rights.

At the central level, although various policy areas related to ageing are dispersed among different ministries, which makes coherent planning and management challenging, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs holds the primary responsibility for ageing-related policies in Georgia. It develops social protection policies, manages medical and public health services, regulates medical and pharmaceutical activities, oversees state pensions, social security and the protection of rights for vulnerable groups and analyses data on social assistance provided by local government bodies. However, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs faces challenges in monitoring and evaluating the effectiveness of social services, with process monitoring being prioritised over results monitoring.

Within the Ministry, there exist public law entities working directly on issues related to older persons:

- a. The Social Service Agency (SSA) administers state social protection programmes, including state pensions and social assistance. It also manages applications for social assistance, determines eligibility, maintains data and informs the public about available social programmes. It is also worth mentioning that the SSA recently started to manage the Service Centres, which operate on the “one window” principle, offering comprehensive information and access on social services, employment promotion and healthcare services as one-stop shops. The first centre opened in Tbilisi in June 2023, with plans for 15 centres nationwide. In addition, an Integrated Social Registry is pending. It is an initiative which aims to consolidate all social issues, benefits and employment and healthcare services into a single registry by 2026, improving accessibility and efficiency.
- b. The State Care and Assistance Agency for Victims of Trafficking (SCA) focuses on facilitating the implementation of state policies for protecting victims of human trafficking,

violence against women and domestic violence of a sexual nature, as well as implementing the national programme on Social Rehabilitation and Child Care. It also performs the functions of the central and local guardianship and care authority on Georgian territory, in accordance with the legislation, as well as the function of the central guardianship and care authority for the purposes of adoption in another state. In addition, the SCA implements the state policy of guardianship, care, support, adoption and foster care, while also protecting, assisting and promoting the rehabilitation of victims of human trafficking, violence against women and/or domestic violence. Lastly, it has the objective of creating decent living conditions for people with disabilities, older persons and children deprived of care.

- c. The Labour Inspectorate monitors compliance with labour laws, including the Labour Code and public service laws and imposes sanctions for violations.
- d. The State Employment Support Agency aims to promote employment and implement active labour market policies.<sup>74</sup> It also provides intermediary services between jobseekers and employers, registers jobseekers and vacant job positions and manages labour market information systems.

At the local level, local government bodies develop infrastructure for persons with disabilities, children and older persons at local facilities, provide care facilities for homeless persons and maintain registries, fund social, cultural and sporting events and address local social assistance and service provision issues not covered by other governmental bodies. Municipalities also hold responsibilities in urban planning and housing development, although financial constraints often limit local capacity in these areas. Municipalities also administer a number of benefits, such as top-ups to national-level benefits, but there is no centralised repository of information to track or assess them.

Lastly, non-state actors, particularly NGOs, play a very important role in service provision, such as home care services funded by municipalities. On the other hand, the private sector's involvement in social services remains limited, and the voluntary sector is underdeveloped.

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<sup>74</sup> The Government of Georgia's development aspirations are reflected in the Vision 2030 Development Strategy of Georgia, which emphasises employment creation as the engine for poverty reduction and improving living standards. It aims to carry out an active labour market policy to reduce the mismatch between supply and demand and to reduce the unemployment rate. See ESCAP, Readiness to implement the action plan to strengthen regional cooperation on social protection: Georgia, 2023, <https://www.unescap.org/kp/2023/readiness-implementation-action-plan-strengthen-regional-cooperation-social-protection-georgia>.

### 3.2.1 Work and life-long training and learning

The older population in Georgia generally has lower levels of educational attainment compared with younger age groups and there is a mismatch between the skills available in the labour market and the demand for skilled labour. Since 2015, Georgia has implemented various state programmes aimed at promoting employment among its citizens. These programmes target jobseekers, including those with capabilities from age 16 upwards, registered with the State Agency for Employment Support. Components include vocational training, professional retraining and development to enhance jobseekers' competitiveness in the labour market. The employment promotion programme also targets vulnerable groups like the disabled, but it excludes older people and does not include incentives for hiring older workers or promoting their entrepreneurship beyond retirement age. This is because individuals reaching retirement age are not formally considered part of the workforce under the legislation,<sup>75</sup> which could potentially restrict training opportunities to those before retirement age. In practice, however, as was noted in our meetings with the representatives of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, older persons are exceptionally allowed to participate directly in these training programmes, in line with Georgia's international obligations. The administrative burden of adopting a Ministerial Order would be required to officially enrol persons aged 65+ in such programmes.

The Unified National Strategy of Education and Science of Georgia (2022-2030) is based on the three main pillars of Equity, Quality and Governance. It aims to ensure equal access to inclusive and quality education, as well as improve lifelong learning opportunities. The Strategy focuses on development of such education and training, research and innovation systems that allow individuals to fully reach their potential and contribute to Georgia's sustainable social, economic and cultural development. The Ministry of Education, Science and Youth has started developing the adult education system, and short-term vocational training and re-training programmes have become part of formal education system. In particular, there are short-term vocational training and retraining programmes which aim to update skills and competencies of adults, including those aged 65 and above. Education in priority areas is fully financed by the state. After completing the programme, trainees receive a state-recognised certificate. Between 2019 and 2024, a total of 175 older individuals

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<sup>75</sup> According to our stakeholders, Georgian legislation follows the OECD definition: Working age population is the share of 15- to 64-year-olds in the total population.

(65+) participated in such training and retraining programmes.

According to the representative of the Division of Employment Services and Programme Development at the State Employment Support Agency, between 2020 and 2023, over 9 000 job-seekers participated in the “Professional training-retraining of jobseekers sub-programme”, which is implemented by that Agency. Of those, only 26 were older individuals, with 21 of them older jobseekers in 2023 alone, all of whom were self-employed jobseekers of retirement age, given that, according to Georgia’s law on promoting employment, the Agency cannot proactively work with people of retirement age. It should be noted that, in addition to this programme, the Agency implements other active labour market policy measures, including career planning services, internships, key competence training courses, etc. There has also been a proposal to pilot universities of the third age tailored to older learners’ needs, but this still remains on paper.

Georgia’s 2020 Law on the Rights of Persons with Disabilities and the Labour Code provide protections for persons with disabilities in employment, which could be relevant for older persons with disabilities. This includes provisions for reasonable accommodation, where employers are required to make necessary adjustments unless they impose a disproportionate burden. Furthermore, as already noted, the State Agency for Employment Support provides career planning services to all interested jobseekers, including (older) persons with disabilities, and is available in all regions in Georgia. However, despite legislative provisions, persons with disabilities face barriers such as limited access to educational institutions, housing, transportation and communication technologies. These barriers hinder their full participation and performance in the labour market.

According to our stakeholders, a Strategy for professional orientation, counselling and career guidance in formal education (2024-2030) has been developed and approved recently by the order 139/N of the Minister of Education, Science and Youth of Georgia (27 August 2024). The strategy ensures equal access to career management services for all individuals, enabling them to make informed decisions and realise their opportunities in a rapidly changing social and economic environment.

Furthermore, launched in February 2022, the Public Works Employment Promotion Sub-Programme, which, according to the 2024 Resolution on State Employment Promotion Programmes, aims to implement an active labour market policy for socially vulnerable per-

sons by promoting their employment in public works and providing social protection/assistance. According to the same resolution, public works are defined as work that does not require special professional training and whose purpose is to be of public benefit. It follows on from this that the jobs created within the sub-programme do not require special knowledge and/or experience and are focused on the activation of socially vulnerable persons. However, according to our discussions with stakeholders, the programme's design presents flaws, including insufficient skill development for future employment and the potential reinforcing of gender stereotypes in employment roles. In addition, concerns have been raised that basic labour rights, including decent working conditions, are reportedly not guaranteed for programme beneficiaries.

Lastly, there exists in Georgia a stereotype that older workers are less dynamic and efficient, which affects their employability. Despite the strong protection against discrimination based on age by the Georgian legislation, age discrimination in dismissal<sup>76</sup> and hiring practices is prevalent, especially in the private sector, with many job advertisements specifying upper age limits. This discrimination persists despite evidence that older workers bring experience and reliability to the workforce. In addition, although the Labour Code includes provisions for maternity leave, reduced working hours and support for caregivers of disabled persons, there are no specific provisions tailored to older persons. According to our stakeholders, a new strategy and action plan are being developed to address such concerns regarding the employment situation of older persons.

### 3.2.2 Social security, assistance and support services

Since 2003, Georgia's Government has pursued extensive economic reforms under its Social-Economic Development Plan aimed at fostering inclusive and diversified economic growth. Also, in recent years, Georgia has implemented economic reforms to support inclusive access to economic opportunities and structural improvement of the economy, as well as to strengthen social safety nets. While these reforms have promoted austerity and fiscal

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<sup>76</sup> The Constitutional Court of Georgia has recently examined several appeals regarding age discrimination against public servants (e.g. firefighters, university professors, constitutional court judges, notaries) wishing to hold an academic position over a certain age, despite that not being permitted under Georgian legislation. The Constitutional Court has followed a case-by-case approach, finding some measures discriminatory and therefore unconstitutional (e.g. Citizens of Georgia - Jimsher Tskhadadze and Mamuka Chanturia v. the Parliament of Georgia, No 3/2/767, 1272, 14 December 2018; Merab Muradashvili and the Public Defender of Georgia v. the Parliament of Georgia and the Minister of Internal Affairs of Georgia, No1/3/1591, 1605, 1 June 2023) and others justified and therefore constitutional (e.g. Medea Gvazava and Juliet Archvadze v. the Parliament of Georgia, No 1/2/1546, 1595, 22 February 2023).

consolidation, the Government recognises the importance of social protection in achieving inclusive growth. The Government of Georgia, therefore, demonstrates a strong commitment to social protection, which is reflected in the substantial share of the national budget allocated to this sector.

Georgia diverged from other post-Soviet states by dismantling social insurance and adopting a tax-financed model. As will be analysed below, its key components include:

- universal old-age pension for those over 60 (women) or 65 (men);
- a new contributory pension system based on mandatory savings;
- disability benefits;
- poverty-targeted schemes like Targeted Social Assistance (TSA); and
- healthcare under the Universal Healthcare Programme (UHCP).

Despite significant progress in poverty reduction and universal old-age pension coverage, the system has gaps, such as the lack of unemployment benefits and employment injury insurance. While Georgia's system covers many lifecycle risks, gaps remain in areas like employment injury, unemployment benefits and survivors' benefits for adults. In general, the series of radical changes and the ad hoc nature of policy design and reforms have resulted in a complex and quite fragmented legal framework. Social protection risk areas and benefits are scattered across several areas of legislation. Even though there have been ongoing efforts to expand and consolidate the social protection system, it still lacks a holistic vision, leading to various inefficiencies in the system.<sup>77</sup>

### Pensions

The largest portion of social protection spending is directed towards universal old-age pensions, which constitute over 70% of the social protection budget. This includes both the universal old-age pension and state compensation to specific groups, such as civil servants and war veterans.<sup>78</sup> The state provides social pensions to ensure the social protection of older adults and to protect them against poverty. Eligibility for pensions is based

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<sup>77</sup> ESCAP, Readiness to implement the action plan to strengthen regional cooperation on social protection: Georgia, 2023, <https://www.unescap.org/kp/2023/readiness-implement-action-plan-strengthen-regional-cooperation-social-protection-georgia>.

<sup>78</sup> Special state compensation is granted to individuals who have served in specific state roles or hold high-ranking positions in diplomacy, military, civil aviation, justice and parliament. This compensation is automatically adjusted in line with changes in state pensions.

solely on age, with women eligible at age 60 and men at age 65. Over the years, the pension amount has seen increases.

In particular, the Law on State Pensions (2005), implemented through a non-contributory scheme covering about 97% of eligible individuals, provides that the state pension is provided based on age criteria. Since 2021, pensions have been indexed annually to at least match inflation rates, while there are additional increases for pensioners aged 70 and above tied to economic growth but not less than specific minimum increments. Additional benefits (of 20%) are provided for pensioners residing in mountainous regions under the State Law on the Development of High Mountain Regions.

This first pillar of Georgia's pension system is managed by the Social Service Agency under the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs. The non-contributory state pension has been praised for its universality but criticised for lacking means-testing, potentially incentivising informal work. Current pension levels fall slightly below international standards for minimum adequacy but compare favourably with pensions in similar and higher-income countries. However, the average monthly earning in Georgia is just above the subsistence minimum, indicating social pensions primarily serve to prevent extreme poverty rather than to ensure dignified living and allowing people to retain a standard of living comparable to that when in employment. According to the Public Defender, the amount of the social pension alone cannot ensure the solution of older persons' problems related to a health condition, the purchase of medicines and nutritional needs, despite the fact that healthcare needs are covered through universal healthcare.

The second pillar of Georgia's pension system is governed by the Law of Georgia on Funded Pensions (2018), introduced as part of the Socio-Economic Development Strategy "Georgia 2020" to complement the non-contributory scheme and address the above concerns. This mandatory defined contribution scheme aims to secure pensions and stimulate economic growth through investment. Participation in the new cumulative pension scheme is mandatory for formally employed men under 60 and women under 55 and voluntary for the self-employed and older employees (which might prove problematic moving forward). Contributions are made by employees, employers and the state, including 2% of gross income from employees, 2% from employers and 2% or 1% from the state. The qualifying conditions mirror the non-contributory scheme (65 for men and 60 for women). The State Pen-

sion Agency, a semiautonomous body, manages the new contributory pension system and is governed by a board selected by a Commission that comprises three ministers, three members of parliament, and 2 independent members nominated by the National Bank. It is regulated by the National Bank of Georgia.<sup>79</sup> According to official Geostat data, as of 31 August 2024, 1 548 000 participants have registered, with significant financial assets accumulated (38.9 million Georgian Lari).

However, the lack of representation from trade unions or employers' associations in the scheme has raised concerns about compliance with international standards and public trust.<sup>80</sup> Also, the cumulative pension system lacks redistributive mechanisms such as caregiver credits or a minimum guaranteed pension. This deficiency disproportionately affects women due to their shorter careers and lower lifetime earnings, perpetuating labour market inequalities. Furthermore, the contributory pension scheme has been criticised for its lack of solidarity, as high-income individuals benefit more from state contributions than those with low incomes.<sup>81</sup> This raises concerns about exacerbating social inequalities and failing to provide adequate support to vulnerable groups. Lastly, the reforms made to the second pillar of the pension system do not apply to current retirees, highlighting a challenge in addressing the current needs of older populations effectively.

The third pillar consists of private pension schemes that are minimal, with low levels of participation and low fund sizes relative to GDP. Their goal is to provide future generations of pensioners with a better income at retirement.<sup>82</sup> The new Law of Georgia on Voluntary Private Pensions will come into effect on 1 January 2025, offering tax incentives similar to those of the second Pillar.

According to the 2017 UNICEF Household Welfare Monitoring Survey,<sup>83</sup> over half of Geor-

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79 According to the recently enacted amendments to the law which will come into effect on 1 May 2025, a revised government structure has been introduced, consisting of one professional management board (9-15 members).

80 According to our stakeholders, current amendments to the law which will come into effect on 1 of May 2025 provide the new management board with the ability to establish and convene a consultation group composed of representatives from both employees and employers to gather recommendations. Furthermore, the National Bank is authorised to request the creation of such a consultation group.

81 A cap applies to high-income individuals, meaning that the State shall not make a pension contribution if the amount of the annual taxable salary of an employed person and/or of the income of a self-employed person exceeds 60,000 Georgian Lari.

82 Law on Private Contributory Pensions (2023).

83 <https://www.unicef.org/georgia/media/1051/file/WMS.pdf>.

gian households (58.9%) include at least one pension-age individual. Pensions significantly contribute to household consumption, with households containing pensioners relying heavily on these incomes. Removal of pension income would increase extreme poverty among pensioner households from 3.7% to 34.1%. The Georgian Government has prioritised ensuring older people receive basic social protection through a universal old-age pension and access to healthcare. The social pension acknowledges their lifetime contributions to society and has broad social, political and economic benefits, extending to pensioners' families, communities and the economy. Despite its significance, the social pension alone is often insufficient for maintaining the standard of living enjoyed during working years and should ideally be complemented by other financial instruments. Income and health needs of older people increase as their ability to work declines. Gender differences in poverty rates and the lack of a survivors' pension affect older women disproportionately, as they constitute 86% of the widowed population. The universal pension is insufficient for older people with multiple vulnerabilities, highlighting the need for additional support like disability and survivors' pensions.

### Social assistance

As regards social assistance, the Georgian Government has established laws and decrees to provide various social benefits including maternity benefits, disability benefits and survivor packages (for children). These are aimed at improving social protection and reducing poverty. Measures such as targeted social assistance (TSA) and specific benefit programmes for different groups, such as internally displaced persons, are part of these efforts. There is also a significant focus on the decentralisation of social services to municipalities. This includes delegating powers to local government to enhance efficiency in delivering social assistance.

Georgia's social protection system includes various support programmes for vulnerable groups such as older persons, persons with disabilities and households below the poverty line. The system provides both financial and non-financial assistance to ensure comprehensive support. Georgia has invested significantly in creating a robust policy and administrative framework for delivering tax-financed social protection benefits. Policymaking is centralised within the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs. The Social Service Agency (SSA) administers most social protection income transfers and services through its 72 branches.

About 26% of social protection spending is allocated to targeted social assistance programmes, including the Targeted Social Assistance (TSA), disability and survivors' benefits (for children), childcare and other smaller programmes. Implemented to eliminate extreme poverty and mitigate social risks, the TSA programme offers various cash transfers based on a new methodology developed with UNICEF. This methodology focuses on the specific needs and outcomes of socially vulnerable families, ensuring they receive subsistence allowances when they lack income or income-generating property. To enhance the effectiveness of social protection, Georgia adopted a proxy means test (PMT) methodology in 2006 to identify and support the most impoverished households. This method assesses household income based on various indicators such as location and assets. The amount of subsistence allowance varies based on the household's PMT score, with higher scores receiving lower amounts per family member.<sup>84</sup>

In addition to the TSA allowance, families receiving assistance will also have access to a number of non-monetary benefits. In particular, they benefit from a relatively better package of universal health insurance than the rest of the population. Local authorities offer them additional cash and direct support (e.g. free lunches, certain medications, grants for students, housing, subsidised utility bills) and services (disability services, extra-curricular/outside school activities for children and public transport costs subsidies). The TSA welfare score determines what type of municipal benefits/services a family has access to. Therefore, the municipal benefits system is closely linked to the TSA welfare score.<sup>85</sup>

In 2023, around 670 000 people (18% of the population), received the TSA – more than 25% of the beneficiaries are older persons, and primarily older women – a historical high due to improved coverage. Additionally, in 2015, the Government introduced the “child benefit” scheme for children living in families whose score does not exceed 100 000 points. In 2021, the score increased to 120 000, and the benefit amount was increased to 200 Georgian Lari in July 2023, overall covering around 240 000 children. According to our stakeholders, this change in the scoring system increased the coverage of the TSA programme beneficiaries, i.e. beneficiaries with a score not exceeding 65 000 points, to a monthly average of 415 000 persons.

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84 Categories and amounts: Below 30,001 points: 60 Georgian Lari per person. 30,001 - 57,000 points: 50 Georgian Lari per person. 57,001 - 60,000 points: 40 Georgian Lari per person. 60,000 – 65,001 points: 30 Georgian Lari. Over 120,000 points: 200 Georgian Lari per child under 16.

85 Socially vulnerable families receiving subsistence allowances are exempt from court fees under Georgian law.

It is noteworthy that the number of families wishing to receive assistance is considerably higher than the capacity of the programme, given that approximately 40% of the population are registered in the targeted social assistance database. Also, many recipients have been dependent on TSA for extended periods, with significant long-term dependency observed.<sup>86</sup> However, despite inflation, allowance amounts for persons aged 16 and above have not increased since the ranking of beneficiary households in the distribution according to TSA points was introduced in 2015.

Nevertheless, while the TSA programme is well-administered, its design leads to inclusion and exclusion errors (e.g. for homeless persons, people with disabilities and older persons), resulting in public complaints. For example, given that the status of the socially vulnerable and the corresponding score are prerequisites for receiving a number of benefits, a significant part of the services available at the local level is directed exclusively to the officially recognised socially vulnerable population, which leads to the exclusion of those who are in need but remain outside the TSA system from such important benefits as, for example, the financing of medicines, free meals services, home care services, one-off cash assistance and subsidising utility bills, etc.<sup>87</sup> Programmes like TSA, intended as a last resort against poverty, cannot substitute for comprehensive lifecycle benefits. Over the years, the Public Defender has reported several flaws in the TSA, including its methodology, the need to evaluate its effectiveness and administrative delays in transferring the allowances. One significant issue was that the programme did not incentivise beneficiaries to seek employment, as any increase in income, no matter how minimal, could lead to the loss of the subsistence allowance. However, recent reforms have addressed this by allowing beneficiaries to have employment without immediate disqualification, acknowledging that many beneficiaries could improve their socio-economic status through work.

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86 In 2022, Georgia adopted a reform to improve the targeted social assistance system within the framework of the 'Human Capital Program of Georgia' signed in 2022 between the 'International Bank for Reconstruction and Development' and Georgia, including the 'Public Work' sub-programme, aimed at promoting the activation of targeted social assistance beneficiaries and support them in integration into the labour market.

87 M. Janiashvili, The Role of Targeted Social Assistance in the Social Protection System and Its Connection with Other Social Support Services, Social Justice Center, 2023, <https://socialjustice.org.ge/en/products/saarsebo-shemtseobis-rolisotsialuri-datsvis-sistemashi-da-misi-mimarteba-sotsialuri-mkhardacheris-skhva-ser-visebtan>, p. 56.

### Social Package

Apart from the TSA, the Social Package programme, established in 2012, provides financial support to persons with disabilities, households without a breadwinner and other specific categories. Over the years, the amounts have been adjusted. Georgia's Social Package and associated support programmes are pivotal in addressing the needs of vulnerable groups, particularly persons with disabilities and their families.

The Social Package encompasses a range of benefits aimed at supporting various vulnerable groups within the population. These include people with disabilities (PWDs), survivors, orphans, victims of repression and individuals who have fought for territorial integrity, freedom and independence, among others. Residents of mountainous regions receive an additional 20% supplement to their Social Package. The Social Package is provided in monetary and non-monetary forms. The amounts have seen gradual increases annually, indexed based on economic indicators such as GDP growth and inflation rates, ensuring a minimum annual increase. Benefits provided to persons with disabilities through a Social Package significantly reduce poverty incidence among households with disabled members. According to the Government of Georgia, removal of these benefits would increase extreme poverty in such households from 11.2% to 23.8%.<sup>88</sup>

There has been criticism, however, that the Social Package is inadequate to include a significant number of persons with disabilities and is not based on individual needs and human rights-based approaches, given that the disability assessment system in Georgia focuses solely on medical diagnoses. It should be noted that persons with moderate disabilities who have not had the status of persons with disabilities since childhood are excluded from this benefit. Also, existing financial assistance is reportedly insufficient to meet the basic needs of persons with significant and moderate disabilities, falling below the subsistence minimum, and certain regulations are considered by the PDO and others as discriminatory, such as the exclusion of persons with dual citizenship from the Social Package and other benefits if they already receive a pension from another country of which they are a citizen.<sup>89</sup> Another important issue raised is the regulation prohibiting older persons with disabilities from receiving multiple social benefits simultaneously. It is possible for in-

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88 CoE, 14th National Report on the implementation of the European Social Charter submitted by The Government of Georgia, 26/01/2021 RAP/RCha/GEO/14(2021), <https://rm.coe.int/rap-cha-geo-14-2021/1680a13289>, p. 137.

89 Since 2023, legislative changes give the right to public sector employees with all types of disabilities to be recipients of the Social Package in addition to their salary.

dividuals to receive both the TSA and the Social Package, but not both the social pension and the Social Package simultaneously. This restriction was also deemed unjustified by the Public Defender, who acknowledged the complexities in social assistance policy due to financial constraints but emphasised the need for these policies to adhere strictly to principles of equality.

### Social services

The Social Rehabilitation and Child Care Programme funded by the Government of Georgia encompasses a wide array of initiatives aimed at supporting vulnerable populations, including older persons and persons with disabilities. The programme's funding is increasing on an annual basis, which enables the geographical coverage to be expanded, reaching out to more beneficiaries and introducing new services (such as homecare and personal assistance since 2023). It is administered by the State Care and Assistance Agency for Victims of Trafficking, a public law entity under the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs. It includes the following sub-programmes:

1. Day Care Services programme: Provides comprehensive support to beneficiaries with disabilities, including transportation, individual rehabilitation programmes, vocational skills development, cultural and sports activities, non-formal education and necessary psychosocial and medical support. It operates in most of the municipalities like Tbilisi, Kutaisi and Rustavi, and is funded under the state budget. The service providers are mostly NGOs.
2. Assistive Devices programme: Ensures that people with disabilities receive appropriate assistive devices based on their specific needs and criteria. However, a cumbersome bureaucratic process to access basic services like wheelchairs has been reported.
3. Hearing Aids programme: Focuses on the social reintegration of individuals with hearing impairments. It includes services like hearing devices for children and adults, including older persons, and sign language interpretation.
4. Community-based Services programme: Offers 24-hour care (including small size family-type homes) in community centres for persons with disabilities and older individuals, providing 24-hour residence, care, first aid, activities promoting self-reliance and integration into local communities. Additionally, there are also two residential houses for older persons in Tbilisi and Kutaisi.
5. Rehabilitation of War Veterans programme: Provides medical consultations, physio-

therapy, laboratory and instrumental examinations and balneological therapy to war veterans.

6. Home Care programme: The Home Care Quality Assurance Standard was approved in 2023, with the aim of promoting independence, preventing institutionalisation and hospitalisation and supporting families of beneficiaries through various forms of assistance delivered at home.

7. Personal Assistance programme: Supports beneficiaries with a range of activities including nutrition, personal care, household tasks, mobility assistance, healthcare, rehabilitation and planning daily activities.

The Home Care and Personal Assistance programmes, in particular, have been integrated into the Social Rehabilitation and Child Care state programme since 2023 on as pilot programmes. These initiatives aim to enhance the quality of life of beneficiaries, promote independence and prevent institutionalisation. In 2024, the programme continued running in pilot mode and, in 2025, it is expected to expand its coverage. The availability of the programme in the regions depends on the availability of the service providers, the lack of which could leave older persons living in such areas without adequate support. There remain other challenges to the Home Care sub-programme, including limited human resources trained for home care services.

Several programmes also exist for some municipalities and are gradually expanding across all municipalities in Georgia, with annual funding typically sourced from local municipal budgets. Services are provided either on a one-time or monthly basis to eligible individuals. There is, therefore, a significant focus on decentralisation of social services to municipalities. This includes delegating powers to local governments to enhance efficiency in delivering social assistance. For example, “Active Ageing Clubs”, which were mentioned above, exist at local level, and, while there is no regulatory framework for such initiatives, some municipalities fund them through their budget, donors and crowdfunding, leading to flexible operational models. These clubs receive technical support by the UNFPA and operate according to “Operational Guidelines” developed by UNFPA and shared with the municipalities, but lack standardised content monitoring. It would be advisable to standardise such clubs funded by municipalities (adopt such operational guidelines officially), which would help to offer standardised content to beneficiaries (based on the best international practice) and monitor results. These clubs also engage older adults in combating physical and mental health issues, disease prevention through physician visits and social activities, de-

spite existing societal stereotypes and stigma, particularly against active women. These clubs require technical support and enrichment with programmes such as education and digital inclusion. Also, efforts to promote intergenerational activities within such clubs are under way but lack comprehensive monitoring. Pilot intergenerational activities exist in some cities, supported by NGOs and UNDP, but they are not widespread.

According to the PDO, at the local government level, there are significant systemic challenges in addressing the welfare of older persons across municipalities in Georgia. The PDO has consistently reported issues such as severe socio-economic conditions, poverty, homelessness threats and insufficient targeted programmes for seniors. These issues underscore the need for tailored local programmes and financial resources to meet the needs of older residents effectively. As already noted, a survey of municipal budgets conducted by the Public Defender's Office in 2019 revealed that approximately 70% of municipalities lack targeted programmes specifically designed for older persons. Instead, some municipalities offer one-off financial assistance to centenarians, which is more of a reward for reaching a specific age rather than a social benefit based on identified needs. This lack of targeted support leaves many older persons dependent on ad hoc assistance rather than comprehensive care programmes.

In terms of services, the 'Free Dining' programme is notable, but its coverage is uneven across municipalities. Larger municipalities often have only one free dining facility, limiting accessibility for older residents in outlying areas. Moreover, logistical challenges prevent some older individuals from accessing these services due to mobility issues or inadequate distribution within administrative units.

The PDO has reviewed local programmes and funding for elderly care, noting some positive trends, such as home care services funded or co-financed by municipalities. However, services are often limited to basic support like utility bill payments, medication aid and one-off cash assistance for the very elderly or war veterans. Also, many local programmes require registration in the unified database of socially vulnerable families, which creates barriers for older persons in accessing services. Some municipalities offer rental assistance for financially struggling families, but coverage for older persons' housing needs remains inadequate.

Lastly, municipalities have made some progress in improving infrastructure for older per-

sons, such as installing ramps and making public buildings and transport more accessible. However, comprehensive and tailored services for this group of people remain underdeveloped.

As regards long-term care services,<sup>90</sup> both medical and non-medical, although some state-supported services exist, they are insufficiently funded and do not offer tailored care approaches. According to our stakeholders, in some cases, the elderly patient should be moved from home care to institutional care, but no places in specialised institutions are available. Specialised day institutions face systemic challenges including inadequate infrastructure, low-quality personnel and poor monitoring mechanisms. Palliative care, available under state programmes, also falls short in meeting demand, with limited hospice beds and a lack of comprehensive home care services.

Georgia's central government addresses the long-term care needs of older persons primarily through two residential institutions located in Tbilisi and Kutaisi. These facilities are managed under the supervision of the Agency for State Care and Assistance for Victims of Human Trafficking. The Tbilisi institution, however, has not accepted new beneficiaries for several years due to plans to phase it out and a transition towards establishing a network of smaller community-based organisations as part of a move to deinstitutionalise large residential homes. Moreover, a shortage of community-based organisations serving as service providers has been reported, leading to long waiting lists for beneficiaries. As noted by our stakeholders, there is a significant need to further develop and improve provision of residential care of older persons in Georgia.

However, despite the existence of minimum service standards for residential institutions, as recognised by the UN Independent Expert on the enjoyment of all human rights by older persons during her visit to Georgia in 2018 (following an invitation by the PDO),<sup>91</sup> enforcement remains problematic. Instances of rights violations in these facilities, which are not funded by the state, often go unaddressed, highlighting challenges such as inadequate capacity and service quality. The PDO has recently conducted monitoring visits to privately-funded long-term care facilities for older persons, revealing significant deficiencies, including:

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90 The term “long-term care” has been defined under the Law on Healthcare.

91 See the Independent Expert's report following her visit to Georgia in 2018 <https://digitallibrary.un.org/record/1638448?ln=es&v=pdf>.

- a lack of awareness and legal standards,
- violations of rights during admission,
- poor infrastructure and sanitary conditions,
- neglected healthcare and inadequate nutrition,
- lack of emotional and mental health support, and
- qualification and labour rights challenges for caregivers.

It is apparent that there is a significant lack of awareness and established legal standards regarding privately funded institutions for older people. These facilities operate without comprehensive state oversight or regulation. According to our discussions with the representatives of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, there is recognition of the need to regulate private institutions funded out-of-pocket, such as residential homes for older persons. A draft law addressing this issue is being developed and expected to be enacted by late 2024.

Lastly, as regards social work, Georgia has invested in social work reforms, emphasising prevention and the timely identification of social needs. The 2020 Social Work legislation laid the groundwork, but its implementation remains a challenge. There is a significant shortage of social workers in Georgia, with demand far exceeding supply. This includes both academically qualified social workers and those with certification course accreditation. Social workers in Georgia face excessive workloads and inadequate salaries, often balancing state employment with roles in civil society organisation projects. This affects the quality of care they can provide to beneficiaries. Especially in rural areas, there are difficulties in finding and hiring personnel trained to meet the needs of older persons. It is also important to note that misunderstandings and misconceptions about social work and social services prevail among the Georgian population, potentially leading to dependency rather than empowerment if not combined with capacity building. It became apparent from the discussion with our stakeholders that there is a recognised need for a multi-sectoral approach involving various specialists and to move away from institutional-based care practices.

### 3.2.3 Healthcare

As previously discussed, Georgia has seen improvements in life expectancy and reduced mortality rates over recent decades. This progress is attributed to better management of non-communicable diseases, reduced fatal injuries and improved disease management through early detection and better healthcare. Georgia promotes health education through various programmes aimed at raising awareness about tobacco control, healthy eating, alcohol consumption, physical activity, mental health and substance abuse prevention. Educational initiatives also address gender-based violence.

The Georgian Constitution guarantees the right to healthcare, emphasising access to affordable and quality healthcare services. As noted, Georgia is recognised as a social state committed to human health and social protection, promoting principles of social justice and equality. However, over the past three decades, Georgia has experienced a significant population decline, from 4.8 million in 1994 to 3.7 million in 2024, mainly due to emigration and a low birth rate. It should be reiterated that the ageing population trend is evident, necessitating increased healthcare services for older citizens.

The Government of Georgia has implemented policies to extend coverage to nearly the entire population.<sup>92</sup> Since the Universal Healthcare Programme (UHCP) was introduced in 2013, nearly 98% of the population has access to some kind of health insurance schemes, with around 92% of the population being covered under the state-funded UHCP, while the rest 8% are covered by private insurance, through employer-based plans or other private schemes.

The UHCP is based on principles such as universal and equal access to medical care, protection of human rights and patient autonomy. The programme has expanded the population's entitlement to publicly financed health services (with the exception of pre-diagnostics, which are being worked on, according to our stakeholders), covering basic packages of planned and emergency clinical care, including services for oncology and maternity, ambulatory care, surgeries, chemotherapy, essential medicines and rehabilitation. Pensioners and socially vulnerable groups are fully covered, with others subject to varying co-payment mechanisms based on their income.

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<sup>92</sup> Initially, the UHCP was universal, but, since 2018, benefits are limited to individuals with annual earnings up to 40 000 Georgian Lari.

It should be noted that the PDO has highlighted that the high cost of medicines in Georgia impedes access to healthcare for many citizens, while there is also the risk of high out-of-pocket payments in certain regions of Georgia. The state programme for providing medicines for chronic diseases was criticised for failing to ensure access to quality and effective medications. The PDO noted improvements in reimbursement programmes for oncology treatment under universal healthcare.

The National Healthcare Strategy (2022-2030) emphasises achieving healthy lives for all ages and addressing the challenges of demographic ageing and increasing healthcare demands through the implementation of healthy and active ageing policies. It aims to ensure equitable access to healthcare services across all regions of Georgia, addressing disparities and improving healthcare infrastructure. In addition, the National Strategy for Prevention and Control of NCDs (2023-2030) aims to reduce risk factors like tobacco use and alcohol consumption, and to promote healthy lifestyles.

The Village Doctor programme, managed by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, aims to improve primary healthcare accessibility and affordability. However, there are significant disparities in the geographical distribution of medical personnel, revealing the need for closer coordination between central and local authorities to optimise service delivery. It should be noted that local authorities have no role in providing healthcare services; the deployment of rural family doctors is the prerogative of the Ministry. However, municipalities provide one-off financial assistance for medical bills and medication purchases through Health Issues Commissions. Monitoring by the PDO has also revealed inconsistencies in decision-making processes, often lacking legal and factual substantiation, which raises concerns about the equitable distribution of healthcare support among the most vulnerable within municipalities.

Currently, Georgia is transitioning from large-scale institutional care to community-based mental health services. The Law on Psychiatric Care, enacted in 2006, emphasises mental health as crucial for societal wellbeing and outlines rights and protections for individuals with mental disorders. The National Strategy and Action Plan for Mental Healthcare (2015-2020) and the new 2022-2030 Strategy aim to expand psychiatric services, improve infrastructure and reduce stigma. Community-based mobile teams provide support, and legis-

lative updates align with EU standards. Nevertheless, the PDO has highlighted significant challenges in mental health services, including the absence of a strategy for suicide prevention among individuals with mental health issues and inadequate social integration services. There is also a lack of deinstitutionalisation strategies and no place for qualified care for depression in Georgia, according to our stakeholders. Concerns were also raised regarding the arbitrary use of compulsory medical interventions in psychiatric establishments, including forced administration of injections and rapid tranquilisation without sufficient legal safeguards or patient consent. The PDO considered these practices as potentially amounting to inhuman and degrading treatment.

In addition, a family medicine system has been introduced, aimed at improving the prevention and management of chronic diseases like cardiovascular conditions and diabetes. Telemedicine services are also being integrated into primary care to enhance accessibility, especially in remote areas. As regards geriatric care, Georgia is currently lacking in specialised beds and professionals. There needs to be an emphasis on integrating geriatrics into medical training and professional development. The National Centre for the Development of the Quality of Education has informed us about the existence of a short-term educational programme, the “Geriatrics Assistant” training programme, which includes 144 hours/6 weeks provided by 14 professional educational institutions.<sup>93</sup> There is also another “Nursing” programme, which is a long-term educational programme the goal of which is to provide competitive general care nurses in the local and international market. One of the educational modules is entitled “Gerontology and the basics of geriatrics”, the implementation of which is an obligation of all professional educational institutions that obtain the right to teach nursing.<sup>94</sup>

It is noteworthy that there are new strategies and tools focusing on community-based services and deinstitutionalisation, including guidelines for Alzheimer’s disease. As regards palliative care, a state programme provides outpatient and inpatient palliative care for in-

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93 The goal of the professional “Geriatric Assistant” training programme is for the student to acquire knowledge and skills adapted to the needs of care of a geriatric person, which includes: care, taking into account the disease and individual characteristics; effective communication, carrying out procedures necessary for care, feeding, hygiene, dressing/undressing, preparing the bed, changing the bed and personal linen, taking care of the patient’s safety, creating a convenient environment for him, following sanitary and epidemiological norms; family-type services, day centre). Completion of this programme grants the student a Geriatrics Assistant certification.

94 It provides a qualification (Associate Degree in Nursing, launched on February 29, 2020). Currently, there are 30 such educational institutions in Georgia. Learning Outcome 1: Definition of Age-Related Changes in the Elderly Patient and Learning Outcome 2: Definition of Characteristics of Middle Age and Old Age and awards the student with 3 credit points. Only passing the entire nursing programme qualifies the student.

curable patients, covering services through a voucher system with subsidised costs based on age and disability status. However, palliative care facilities are insufficient in Georgia, particularly for adults, and institutionalisation is often the only solution for vulnerable older persons, despite their preference to stay at home. Palliative care costs can also be prohibitive for older persons.

Lastly, as regards the situation of nurses, it has been reported that nurses face challenges such as low pay and poor working conditions, with no specific policies to support them. Nurses in Georgia work under arduous conditions, often in multiple medical institutions simultaneously due to insufficient wages. This results in long hours, minimal breaks and an increased risk of professional burnout and errors. In addition, nurses in Georgia are among the lowest-paid professionals. In contrast to a surplus of doctors, there is a significant shortage of nurses, which exacerbates the challenges faced by the existing nursing staff. The number of nurses in Georgia is declining annually as they leave the profession due to difficult working conditions and low salaries. According to our stakeholders, to address this situation, the Parliament adopted a draft law on 21 February 2024, containing amendments to the Law of Georgia on Healthcare. The purpose of the law is to develop the activities of nurses and obstetrician-nurses and bring them in line with modern international requirements. It envisages the training of nurses and their inclusion in the continuing education system. Also, since 1 January 2023, the minimum wage for doctors has been set at 7 Georgian Lari per hour (at least 1 260 Georgian Lari per month), while the minimum wage for nurses has been set at 4.4 Georgian Lari per hour (at least 792 Georgian Lari per month). As a result of the reform, all clinics involved in the universal healthcare programme are obliged to set the salaries of doctors and nurses, taking into account the minimum thresholds laid down by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs. Under the new regulation, the salary increase affected up to 9 000 doctors and more than 8 000 nurses.

In sum, Georgia faces challenges in meeting the healthcare needs of its ageing population, exacerbated by demographic shifts and the prevalence of NCDs. Legislative frameworks and national strategies aim to address these issues through universal health coverage, primary care reforms and targeted health promotion initiatives. However, persistent inequalities and gaps in specialised care for older persons and those with chronic conditions and dementia (e.g. lack of diagnostics), as well as a lack of preventive healthcare strategies, particularly in primary care, highlight the areas requiring further development and invest-

ment. There is also a need for continuous medical education and vocational training to enhance skills in elder care.

### 3.2.4 Prevention of violence and abuse

Georgia initiated its active fight against domestic violence in 2006 with the adoption of a special law (The Law of Georgia on Prevention of Violence against Women and/or Domestic Violence, Protection and Assistance to Victims of Violence) and the establishment of state shelters and day care centres responsible for the psychological and social rehabilitation of victims, alongside legal and medical assistance. The law addresses domestic violence comprehensively, including protections for older persons who are vulnerable to abuse. It mandates the state to establish mechanisms for prevention through risk analysis, legal measures, statistics collection, educational campaigns and specialised education courses. It allows for protective and restrictive orders under criminal and civil law procedures to prevent and address domestic violence.

In Georgia, there are:

- six state-funded crisis centres (shelters) for victims of domestic violence/abuse, that is facilities offering refuge and support services for victims of domestic violence and abuse, three of which (two in Tbilisi and one in Batumi) are also intended for victims of human trafficking; and
- two hotlines for assistance for victims of domestic violence and human trafficking. These hotlines operate 24/7, with one of them offering counselling and referrals to relevant services, including psychological support and rehabilitation programmes (116006), and the other one offering child support (111).

The law also outlines the following services provided by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs:

- studying family dispute causes and assisting in their resolution;
- implementing victim support measures;
- identifying and addressing risk groups among perpetrators;
- participating in issuing and monitoring protective and restraining orders; and
- developing and supporting victim assistance and social rehabilitation programmes.

Specific programmes used in shelters and crisis centres include emotion management, communication skills, conflict management and self-esteem improvement. Some municipalities provide financial assistance to victims for the rental of housing, but this support is not consistent across the different regions.

Despite legislative reforms, stricter policies in relation to crime and increased public awareness, social policies to address domestic violence still face challenges. The state's approach primarily relies on shelters and crisis centres, which are insufficient in number and inadequately equipped. There is a lack of preventive measures and comprehensive social services for victims of domestic violence. Social workers have emphasised the need for proactive rather than reactive social assistance programmes and suggest integrating domestic violence education into school curricula to remove the stigma around reporting abuse.

A significant gap also exists in the availability of social services specifically tailored for women victims of violence. Bureaucratic delays and the insufficient duration of support prevent victims from achieving long-term independence and social reintegration. The need for ongoing state support, educational, vocational and employment programmes is critical to help victims sustain themselves post-shelter. Shelter capacity is an additional issue, with demand often exceeding availability. There is also a call for improved childcare services, psychological support and financial assistance for victims. Lastly, access to social services is inconsistent and heavily dependent on the qualifications and dedication of social workers. Different groups have unequal access to social services due to geographical and informational disparities. Rural areas, in particular, suffer from less access to information and services than urban centres.

As regards older persons, in particular, abuse, including neglect, physical, psychological and financial abuse, remains prevalent. Statistics from the Ministry of Internal Affairs highlight significant numbers of older victims, with psychological and physical violence being common. Challenges include insufficient psychosocial services and dedicated programmes for elderly victims of violence at both central and local levels. While the state provides services like psychological-social rehabilitation, medical care, legal assistance, interpreter services and temporary shelter in crisis centres for victims of domestic violence, these are not tailored specifically to the needs of older victims. Since 2021, the Ministry of Internal Affairs reports on domestic violence cases involving older adults, aiding in statistical

transparency. However, there has been criticism from civil society organisations concerning the comprehensiveness of the statistical breakdown by age and the actual situation due to under-reporting.

The PDO has paid significant attention to studying cases of violence and the mistreatment of older persons. According to the PDO, the key challenges include identifying risk factors that contribute to violence, inadequate statistical reporting and a lack of effective monitoring systems to respond to cases appropriately. Moreover, there is a notable gap in psycho-social and economic rehabilitation programmes tailored to the needs of older victims, hindering effective protection against violence in the long term. As noted by our stakeholders, domestic violence against older individuals in Georgia predominantly manifests itself as psychological and economic violence and abuse. Given that state pensions are often the sole income for many older Georgians, issues arise when banking institutions deduct significant portions of pensions for loan repayments, exacerbating financial vulnerabilities. A trend of concern is that many older victims fail to report or seek assistance for such mistreatment perpetrated mainly by family members, often due to a cultural emphasis on family sanctity or the victims' own reluctance to acknowledge mistreatment.

Lastly, as regards gender-based violence, which is particularly important for older women in Georgia, although there have been positive changes made to the legislation regarding violence against women and domestic violence, its effective implementation and coordination among government agencies remain inadequate. The issue of femicide remains alarming, underscoring the broader societal challenges in addressing gender-based violence comprehensively. Deep-seated patriarchal attitudes contribute to the social tolerance of gender-based violence in Georgia. Older persons are particularly vulnerable within family settings, where abuse often goes unreported.

### 3.2.5 Equality and non-discrimination

The Georgian Constitution does not explicitly list age as a prohibited ground for discrimination, but it does recognise that the list of illegal grounds is not exhaustive. Therefore, Georgian law faced challenges due to the absence of explicit age discrimination provisions in its constitution.

Georgia's Law on the Elimination of All Forms of Discrimination (2014), nevertheless, in-

cluded age as an illegal ground for discrimination. This law prohibits various forms of discrimination, such as direct and indirect discrimination, harassment and victimisation. It also allows for temporary special measures to achieve equality for different groups. It mandates equal rights across all spheres including labour relations, social security, healthcare, education, culture, science, elections, civil activities, justice, state services, goods and services, housing, entrepreneurship, banking and natural resources. Nonetheless, according to our stakeholders, discrimination based on age is still prevalent in Georgia with respect to the purchase by older individuals of health and travel insurance and other financial products. The Anti-Discrimination Law covers actions by public institutions, organisations, individuals and legal entities in all areas unless regulated by specific legal acts. Individuals can bring cases of alleged discrimination before the Public Defender's Office, which serves as the equality body, or the courts.

As regards employment, significant amendments were made to the Labour Code in 2020 to address previously unregulated, or imperfectly regulated, labour issues and to harmonise national legislation with EU standards and international norms, including discrimination prohibition. However, care work, including household chores and caregiving responsibilities for older and disabled persons, is mostly unpaid, making it statistically invisible in policy-making. Traditional gender norms assign caregiving primarily to women, impacting their ability to participate fully in economic activities and public life in Georgia. This contributes to persisting gender gaps in labour market outcomes. Women engaged in substantial unpaid care work are less likely to participate in the labour force.

In the area of social security, global trends suggest that Georgia's new pension designs could disadvantage those with lower earnings and shorter work histories, especially women, due to the link between benefit values and contributions. Women are more reliant on the universal pension due to longer life expectancy and are twice as likely as men to rely on the TSA. As previously noted, the Georgian pension system, particularly its contributory scheme, does not accommodate women engaged in unpaid care and domestic work. This leads to women being excluded from pension entitlements due to a lack of contribution credits related to care work. Women in Georgia face significant gender-based discrimination throughout their working lives, leading to lower incomes and pensions compared with men. This is exacerbated by their overrepresentation in informal, part-time and low-paid jobs, contributing to lower pension savings.

Moreover, as already discussed, Georgia has different retirement ages (65 for men, 60 for women), which international bodies like the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women criticise as discriminatory. While justified regionally to compensate for household inequalities, earlier retirement can negatively affect women's pension savings, reducing their retirement capital. The current pension schemes and retirement age reflect societal values and historical gender roles, impacting women's labour market participation and financial security in retirement. Therefore, the social protection system needs to address gender-based inequalities. While it focuses on income redistribution across wealth groups and generations, it should be part of a broader set of gender-responsive tools to tackle structural inequalities starting in the household.

Concerning older LGBTI individuals, our stakeholder meetings have revealed that such groups of people face systemic exclusion and discrimination in general, leading to deep socio-economic vulnerabilities.<sup>95</sup> Social policies do not recognise or address the specific needs of LGBTI individuals, resulting in mistrust towards the state. The LGBTI community in Georgia remains one of the most marginalised and vulnerable groups. They face violence, exclusion, unemployment and limited access to economic goods and healthcare, which exacerbates their social exclusion.<sup>96</sup> LGBTI people in Georgia struggle with employment due to cultural exclusion, violence and socio-economic oppression. LGBTI individuals face significant challenges in accessing health services, while mental health challenges among LGBTI people are driven by social vulnerability, violence and discrimination. The lack of legal protections, coupled with negative societal attitudes and inadequate state support, significantly impacts their access to fundamental social rights, including employment, healthcare, education and housing.

As regards ethnic minorities, the 2014 census indicates that ethnic minorities comprise 13.2% of Georgia's population, with Armenians and Azerbaijanis being the largest groups. These ethnic minorities are Georgian citizens and are concentrated in regions such as Kvemo Kartli, Kakheti and Samtskhe-Javakheti. According to our stakeholders, ethnic minorities face significant social exclusion, unemployment, poverty and limited access to ed-

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<sup>95</sup> L. Jalagania, *Social Exclusion of LGBTQ Group in Georgia: Quantitative research Analysis*, Human Rights Education and Monitoring Centre (EMC), 2020, [https://socialjustice.org.ge/uploads/products/pdf/Social\\_Exclusion\\_of\\_LGBTQ\\_Group\\_1612128635.pdf](https://socialjustice.org.ge/uploads/products/pdf/Social_Exclusion_of_LGBTQ_Group_1612128635.pdf).

<sup>96</sup> See also the CoE's Venice Commission Opinion on the draft constitutional law on Protecting Family Values and Minors, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)021-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)021-e).

ucation. Language barriers also hinder minority access to social services and political participation.<sup>97</sup> Thus, ethnic minorities struggle to access social protection services and state-funded programmes, compounding their vulnerability.

Lastly, Internally Displaced Persons (IDPs) in Georgia face legal and social challenges despite legal provisions for housing and assistance. Many live in inadequate housing lacking basic amenities and have, according to our stakeholders, additional needs, such as psychological rehabilitation and therapy for post-traumatic stress disorder. IDPs' participation in decision-making processes is low, both locally and nationally, impacting their ability to influence policies that affect them.

In sum, there is little discussion or consideration and mainstreaming of intersectionality in Georgia, particularly regarding how age, disability and gender intersect with social issues. Similarly, LGBTI groups and ethnic minorities are not adequately addressed in social discourse.

### 3.2.6 Autonomy and legal capacity

Legal capacity is fundamental to human rights, enabling individuals to exercise their rights and freedoms fully. This is especially crucial for vulnerable groups such as persons with disabilities, who have historically faced restrictions on their legal capacity, and particularly relevant for a large portion of older persons in Georgia. Georgia has a detailed legal capacity framework, mainly grounded in the Civil Code and the case law of the Constitutional Court. Natural persons acquire civil rights and obligations from birth and their rights terminate upon death (Article 11 - Ability to Exercise). Natural persons cannot be deprived of their powers. Full legal capacity to exercise their civil rights comes into effect upon reaching adulthood, defined as age 18 (Article 12 - Legal Capacity). Persons with psychosocial needs ('beneficiaries of support') retain their legal capacity. Legal capacity can only be limited as provided by law and cannot be restricted by individual transactions (Article 13 - Limitation by Transaction), while adults prescribed care by a court also have limited legal capacity, similar to minors, and their legal capacity limitation is revoked when grounds for restriction no longer exist (Article 14 - Limited Capacity). Transactions involving persons

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<sup>97</sup> T. Piranishvili and Z. Barbakadze, Social and economic exclusion of ethnic minority groups, Social Justice Center, 2023, <https://socialjustice.org.ge/en/products/etnikuri-umtsiresobebis-sotsialuri-da-ekonomikuri-eksk-luzia>.

with limited legal capacity require the consent of their legal representative unless they specifically benefit from the transaction (Article 15 - Consent Requirement).

Georgia ratified the UN Convention on the Rights of Persons with Disabilities (UN CRPD) in December 2013, with its provisions becoming obligatory from April 2014. Article 12 of the CRPD, concerning legal capacity, is particularly pertinent. Georgia designated the Public Defender as the independent mechanism responsible for monitoring the implementation of the CRPD, supported by relevant structures such as the Department of Persons with Disabilities and a Consultative Council.

In 2014, in a landmark case,<sup>98</sup> the Constitutional Court of Georgia invalidated parts of the legislation laying down the existing guardianship system, prompting reforms introducing supported decision-making, aiming at ensuring maximum legal protection for persons with disabilities and aligning with international human rights standards. Post-reform legislation generally aligns with CRPD requirements, focusing on the individual needs of persons with psychosocial needs. However, Georgia faces barriers in practical implementation. The challenges include the following:

- a lack of effective policy and institutional framework for supported decision-making;
- insufficient training and guidelines for the judiciary and actors involved;
- formal rather than substantive inclusion of persons with disabilities in decision-making processes;
- issues with the assessment of psychosocial needs and a lack of multidisciplinary approaches; and
- inadequate monitoring mechanisms to safeguard rights and prevent undue influence.

It should be noted that the Government of Georgia has prioritised improving the social conditions and opportunities for persons with disabilities. Georgia's Law on the Rights of Persons with Disabilities (2020) serves as the legal framework for various support programmes and is based on human rights considerations. The Coordination Council for the Enforcement of Georgia's Law on the Rights of Persons with Disabilities, established in 2021, plays a crucial role in ensuring coordinated efforts across different levels of governance. It oversees various committees focused on improving disability status assessment

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98 Citizens of Georgia – Irakli Kemoklidze and Davit Kharadze v. the Parliament of Georgia, <https://constcourt.ge/uploads/documents/5e539fecabac4.pdf>.

systems, deinstitutionalisation efforts and enhancing social support services.

### 3.2.7 Independent living and housing

The right to adequate housing is part of the principle of the social state enshrined in Article 5 of Georgia's Constitution. However, older persons frequently lack suitable housing, with many living in inadequate conditions or facing homelessness. Post-Soviet privatisation in the 1990s left some older adults without secure housing options and led to poor management and maintenance of shared spaces in apartment buildings, affecting amenities such as elevators, roofs and utilities. Moreover, housing costs in Georgia, especially in Tbilisi, are high, and older persons face challenges in accessing loans or affordable rental options. At the same time, there is limited state support for social housing.

Georgia lacks a comprehensive government strategy and corresponding action plan on housing, and specifically for homeless individuals, while its legislation narrowly defines adequate housing, despite international commitments. There is no full legal definition of homelessness, hindering effective policy-making and municipalities, which are tasked with territorial planning, infrastructure development and the provision of social services, including housing for homeless persons, face challenges such as heterogeneity in defining homelessness, inadequate local databases and insufficient budgetary resources for social housing. Despite legal obligations under the Law on Social Assistance and the Local Self-Government Code, actual provision of shelter to homeless persons remains inadequate. In that context, the Public Defender of Georgia has recommended adopting a legislative definition of homelessness aligned with international standards.

The Georgian Government, as part of its Open Government Partnership commitments, recognises the shortcomings in legislative regulations concerning homelessness and aims to develop unified strategies and a housing strategy to address homelessness systematically. Since 2024, Georgia has initiated a programme to resettle from homelessness or difficult living conditions socially vulnerable families with many children. The programme aims to provide new housing for up to 1 000 families by the end of 2025, with a budget of 50 000 000 Georgian Lari allocated for this purpose. Eligibility criteria include registration in the unified database of socially vulnerable families and meeting specific family size and housing conditions criteria.

In addition, there exist deficiencies in local infrastructure, with roads and pedestrian spaces needing significant improvement, especially outside major cities. Public buildings and transport systems are generally not accessible for older persons or those with disabilities, despite legislative efforts to improve accessibility. The Code of Territorial and Spatial Arrangements (2018) lays down technical regulations ensuring accessibility in construction, crucial for accommodating persons with disabilities. Also, the establishment of the Spatial and Urban Development Agency aims to oversee urban planning policies and ensure compliance with spatial regulations.

Concerning independent living, despite Georgia's commitment to deinstitutionalisation, many older persons still face challenges, including loneliness and isolation from mainstream society.<sup>99</sup> Issues, such as the lack of accessible housing and community services, contribute to the continued reliance on large institutions, preventing full participation in public life. In 2022, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs conducted a study on the needs of institutional residents and designed a plan for the deinstitutionalisation of persons with disabilities from the Martkofi and Dusheti Boarding homes. Based on that study, a Strategy for Independent Living and Deinstitutionalisation (2023-2030) and an Action Plan (2023-2025) were approved, aiming to transition individuals from institutions to community-based settings and alternative care settings, as well as to create mechanisms preventing institutionalisation. Future steps under the Strategy and Plan include developing community services nationwide and establishing mechanisms for the active involvement of persons with disabilities and their representative organisations in policy implementation and monitoring. Georgia is transitioning from a medical model to a biopsychosocial model for assessing disability, aiming to better identify individual needs and to tailor support accordingly.

Lastly, as regards digital inclusion, a June 2024 survey revealed that 91.5% of Georgian households have access to the internet,<sup>100</sup> indicating a high level of connectivity across the population. This level of access supports broader digital inclusion efforts, ensuring that a significant majority of households can engage with online services and information. In addition, according to the same survey, 89.1% of persons of 60 years and older make use of

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99 I. Kachkachishvili and A. Papiashvili, *Loneliness Among Older People: Research Analyses Georgia-2021*, UNFPA Georgia, 2021, <https://georgia.unfpa.org/sites/default/files/pub-pdf/lonelinesseng.pdf>.

100 <https://www.geostat.ge/en/modules/categories/106/information-and-communication-technologies-usage-in-households>.

the Internet every day or almost every day. However, it should be kept in mind that older persons are often excluded from surveys and information due to limited access to technology. Barriers like the online-only registration for services (e.g. for Covid-19 vaccinations) disproportionately affect older persons, especially those in rural areas. Poverty also contributes to digital exclusion among older persons, who primarily receive information through television, limiting their access to digital resources and exacerbating social exclusion.

### 3.3 Conclusions of the European Committee of Social Rights on Georgia's accepted and unaccepted Charter provisions

The reporting system under the ESC ensures that states parties regularly submit detailed reports on how they are implementing the provisions of the Charter that they have accepted both in law and in practice. These reports are reviewed by the ECSR, which evaluates whether the national situations comply with the Charter's requirements and issues its so-called Conclusions, including information on whether the national situations are in conformity with the Charter.

In parallel, since 2002, a procedure on non-accepted provisions has existed. This is designed to encourage states parties to progressively accept all provisions of the ESC, aligning with the Charter's spirit of comprehensive rights protection. The ECSR is tasked with examining the information provided by the states concerning the non-accepted provisions. In the pages that follow, the Committee's most recent conclusions on both accepted and non-accepted provisions by Georgia, to the extent that they are relevant for the purposes of this report, are examined.<sup>101</sup> As will be seen, the Committee has acknowledged positive developments in some areas and has recommended the acceptance of some non-accepted provisions. However, in many instances, the Committee has been unable to form an opinion given the lack of information provided by the Georgian Government, or it has found significant violations of Charter provisions, including in areas particularly relevant to older persons, such as vocational guidance, health and social security.

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<sup>101</sup> As regards labour rights in particular see in detail M. Smusz-Kulesza, Report on the Needs Assessment in Respect of Social Rights in Georgia Conducted Within the Framework of the Council of Europe Project "Strengthening Protection of Social and Economic Rights in Georgia, 10 November 2021, <https://rm.coe.int/needs-assessment-report-eng/1680a4af29>.

### 3.3.1 Conclusions on accepted provisions

In 2020,<sup>102</sup> the ECSR issued its conclusions on Georgia's adherence to the ESC on the basis of the 13th report submitted by the Government of Georgia (01/01/2015 - 31/12/2018),<sup>103</sup> focusing on various provisions related to work and vocational training, as well as to the rights of persons with disabilities, which are directly or indirectly relevant to older persons (reference period: 01/01/2016 - 31/12/2019).

#### Article 1 – right to work

The Committee reviewed the report from Georgia's Government and highlighted previous conclusions from 2016, which found Georgia's employment policies inadequate in combating unemployment and promoting job creation.

As regards Article 1(1) ESC, the Committee noted that, from 2015 to 2018, the employment rates for older workers aged 55-59 years decreased from 74.2% to 70% and for older workers aged 60-64 from 67.8% to 63.9%. In addition, unemployment dropped slightly from 14.1% in 2015 to 12.7% in 2018.<sup>104</sup> The Committee noted the existence of the State Strategy for Labour Market (2015-2018), focused on improving legal frameworks, promoting effective employment, ensuring decent working conditions and developing workforce skills. It also noted the introduction of employment support services aimed at active labour market policies and vocational training and capacity building for jobseekers. However, the Committee deferred its conclusion pending the receipt of additional information, particularly regarding the number of participants in active labour market measures, the effectiveness of the measures and the overall activation rate of unemployed individuals.

With respect to Article 1(2) ESC, the Committee noted that Georgia amended several relevant acts in 2019, including the Law on the Elimination of All Forms of Discrimination, the Criminal Code and the Labour Code, and that the laws prohibit both direct and indirect

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102 <https://rm.coe.int/rapport-geo-en/1680a1c798>.

103 <https://rm.coe.int/rap-cha-geo-13-2020/16809ccd1e>.

104 According to our stakeholders, Geostat introduced a new methodology for Labour statistics in 2019, based on the International Labour Organization (ILO) standards adopted at the 19th and 20th International Conferences of Labour Statisticians. The data for 2010-2019 were therefore recalculated, taking into consideration the new methodology, and showed that unemployment figures increased and employment figures has decreased. Employment rates for older workers aged 55-59 years increased from 51.4% in 2020 to 56.9% in 2023, and for older workers aged 60-64 they increased from 42.3% to 48.2%. The unemployment rate amounted to 18.5%, in 2020, which increased to 20.6% in 2021, but gradually decreased to 16.4% in 2023.

discrimination (including on the basis of age) and apply to pre-contractual relations, including selection criteria and recruitment conditions. However, pending receipt of other requested information, the Committee reserved its position on Georgia's conformity with Article 1(2) regarding non-discrimination in employment. The Committee emphasised the need for detailed responses and statistical data in future reports to fully assess the effectiveness of anti-discrimination measures and the enforcement of relevant legislation.

The ECSR also reviewed Georgia's compliance with Article 1(3) ESC, which mandates the provision of free employment services. The Committee concluded that Georgia's employment services did not meet the required standards due to inefficiency and a lack of quantitative data to assess effectiveness.

Lastly, the ECSR reviewed Georgia's compliance with Article 1(4) ESC, which ensures the right to vocational guidance, continuing vocational training for both employed and unemployed individuals and specialised guidance and training for persons with disabilities. This article is complemented by Articles 9, 10(3) and 15(1) ESC, but Georgia has not accepted these provisions. The Committee had previously found that Georgia did not ensure the right to vocational guidance and to continuing vocational training of adult workers and workers with disabilities. After Georgia provided some updated information, the Committee reiterated that further detailed information would be needed on vocational guidance and training services in the education system and labour market, including staff qualifications, funding and the number of beneficiaries. As a result, the Committee concluded that Georgia is not in conformity with Article 1(4) of the Charter.

Article 10(2) and (4) – right to vocational guidance: apprenticeship and long term unemployed persons

The ECSR reviewed Georgia's compliance with Article 10(2) ESC, which pertains to the establishment and maintenance of an effective apprenticeship system, and reiterated its previous conclusion that the situation is still not in conformity with the Charter due to quality, information and other gaps in legislation. As regards Article 10(4), the ECSR examined Georgia's efforts and measures taken to combat long-term unemployment, particularly the retraining and reintegration of long-term unemployed individuals. Noting that the report did not provide information, for example, on types of training measures and numbers of persons, or that the report lacked definitions for long-term unemployed, the Committee concluded that Georgia does not conform with Article 10(4) of the Charter.

Article 15(3) – right of persons with disabilities: Integration and participation of persons with disabilities in the life of the community

The ECSR assessed Georgia's compliance with Article 15(3) ESC, which focuses on the integration and participation of persons with disabilities in community life. However, despite the Government providing information on measures taken to ensure independent living, to combat poverty and to assure adequate housing, transport and cultural participation, the Committee concluded that Georgia is not in conformity with Article 15(3) of the Charter due to insufficient evidence.

One year later, in 2021,<sup>105</sup> the ECSR issued its conclusions on Georgia's adherence to the ESC on the basis of the 14th report submitted by the Georgian Government<sup>106</sup> and the comments submitted by the PDO,<sup>107</sup> focusing on various provisions related to health, social security and social protection, which are directly or indirectly relevant to older persons (reference period: 01/01/2016 - 31/12/2019).

Article 11 – right to protection of health

As regards the right to the protection of health, Georgia was found not in conformity with all three paragraphs of Article 11 ESC that it had accepted.

Concerning education and awareness raising, the Committee reviewed Georgia's efforts in health education, including sexual and reproductive health education, and prevention strategies related to harmful behaviours such as substance abuse, eating disorders and self-harm. It noted the existence, since 2016, of the State Programme of Health Promotion which aims at raising awareness and creating a health-promoting environment. The programme covers areas such as stopping smoking, alcohol and drug abuse prevention, healthy eating habits, physical activity, mental health, sexuality and environmental health. However, specific details on health education and prevention strategies were lacking in the report, prompting the Committee to request comprehensive information in subsequent reports.

Concerning counselling and screening, the Committee reiterated its concern over inadequate measures, especially for pregnant women and children in Georgia, citing previ-

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105 <https://rm.coe.int/conclusions-2021-georgia-en/1680a5d9f7>.

106 <https://rm.coe.int/rap-cha-geo-14-2021/1680a13289>.

107 <https://rm.coe.int/rap-rcha-geo-14-2021-comments-by-public-defender/1680a2fff8>.

ous conclusions of non-conformity. Although Georgia reported improvements, such as increased antenatal visits and expanded screening programmes for genetic pathologies in pregnant women and developmental delays in children, high rates of infant and maternal mortality have persisted. The Committee emphasised the need for enhanced antenatal services and examinations.

The Committee also raised concerns about the lack of information on healthcare services in places of detention, especially in prisons. Specific details on medical screening on arrival, access to specialist care and the prevention of communicable diseases were absent from the report. The Committee urged Georgia to provide comprehensive information in that regard in its next report.

Regarding community-based mental health services, Georgia reported initiatives to transition from institutional care to community-based mental health services, citing planning documents and increased budget allocations for community services. However, the Committee requested updated information on the implementation and impact of these policies, emphasising the need for human rights-compliant mental health governance and comprehensive mental health legislation.

Georgia's efforts to address environmental pollution were also discussed, including the National Environment and Health Action Plan and initiatives to monitor air quality. However, the Committee highlighted inadequate measures taken to prevent environmental pollution, including insufficient legislation and regulation regarding air and water quality, waste management and industrial pollution. It urged Georgia to provide detailed information on environmental standards and their enforcement in future reports.

The report also provided general information on vaccine availability and coverage in Georgia, without detailed updates on the national vaccination programme or trends in coverage rates. The Committee requested comprehensive information on vaccine research, coverage rates and measures for infectious disease prevention in subsequent reports.

Lastly, Georgia's efforts to control tobacco use through legislation and taxation were noted, although subsequent amendments diluted some provisions of the tobacco control laws. The Committee requested updated information on smoking control measures, health warnings on tobacco products and trends in tobacco consumption. Similarly, it sought up-

dated figures on alcohol consumption trends in Georgia.

#### Article 12 – right to social security

As regards the right to social security, the ECSR reviewed Georgia's compliance with this provision, partially accepted by Georgia, considering various aspects of its social security framework. It was found that Georgia was not in conformity with Article 12(1) ESC (existence of a social security system) and additional information was asked regarding Article 12(3) ESC (development of the social security system).

The Committee firstly noted several deficiencies in Georgia's social security system. In its previous conclusions (2017), the Committee highlighted that Georgia's system did not adequately cover essential risks such as family benefits, unemployment benefits and employment injury benefits. The report acknowledged the existence of certain legal frameworks, such as the Law on Occupational Safety (2018). However, the Committee reiterated that these measures did not meet the criteria for a comprehensive social security insurance scheme, particularly in terms of covering work-related injuries and occupational diseases. As regards family benefits, in particular, Georgia had introduced social assistance measures and subsequent laws aimed at supporting families with multiple children and those residing in economically disadvantaged mountainous regions. Despite these efforts, the Committee concluded that these initiatives did not align with the family benefit branch of social security as defined in the Charter. The benefits provided were categorised as social assistance rather than as integral parts of a social security system.

In addition, the Committee raised concerns about the adequacy of benefits provided under Georgia's social security system. It noted the minimum subsistence level in 2019, derived from official statistics, but emphasised the need for data on median equivalised income to accurately assess adequacy against poverty thresholds.

Lastly, the Committee also considered Georgia's adherence to Article 12(3) ESC, which focuses on the development of the social security system. While Georgia had previously been found in conformity with this provision in 2017, the Committee highlighted ongoing concerns, especially regarding the adaptation of social security systems to new forms of employment, such as digital platform workers. The report lacked specific information on the coverage and status of digital platform workers under Georgia's social security framework, prompting the Committee to request further details in subsequent reports.

#### Article 14 – right to benefit from social welfare services

The Committee reviewed Georgia's compliance with Article 14 ESC (both paragraphs accepted by Georgia), which guarantees the right to benefit from general social welfare services. It noted that Georgia was requested to respond to specific questions relating to the maintenance and operation of social services during the Covid-19 pandemic, as well as measures taken to prepare for similar crises in the future. The Committee clarified that information related to the pandemic's impact, provided in the report, would be noted for informational purposes only due to its relevance outside the reference period.

During the Covid-19 pandemic, Georgia ensured the continuous issuance of state benefits such as pensions, compensation, social packages and subsistence allowances. Although the functioning of some social services was temporarily suspended as a preventive measure against the virus, funding for these services was maintained based on certain principles. Remote delivery of services was also implemented across various sub-programmes, including early development support, child rehabilitation and day care centres.

Georgia adopted the Targeted State Programme for Harm Mitigation Caused by Covid-19, which provided state assistance for six months to socially vulnerable families registered in the relevant database. Additional allowances were granted to persons with severe disabilities and children with disabilities. The report, however, did not include specific information about measures aimed at anticipating future crises of a similar nature.

Based on its review, the Committee concluded that Georgia's situation is in conformity with Article 14(1) ESC (promotion or provision of social services) of the Charter, indicating that the measures and frameworks in place generally ensure the right of individuals to benefit from social welfare services.

As regards Article 14(2) ESC (public participation in the establishment and maintenance of social services), Georgia was asked to provide information on user involvement in social services, termed as "co-production", which involves collaboration between service users and providers based on principles of equality, diversity, accessibility and reciprocity. The report highlighted that decision-making in social service provision adheres to principles of fairness, impartiality and equal treatment across various domains including social protection and benefits.

Despite the report's emphasis on guiding principles, it did not directly address the Committee's specific questions regarding user participation in practice, legislative support, budget allocations, decision-making processes and service design and delivery. Therefore, due to the lack of detailed information necessary for assessment, the Committee deferred its conclusion on Georgia's compliance with Article 14(2) of the Charter. It called for comprehensive data to be provided in the next report to allow it to evaluate the extent of user participation in social services, as required by the Charter.

### 3.3.2 Conclusions on non-accepted provisions

In 2021, the ECSR issued its 3rd Report on the provisions of the ESC not accepted by Georgia,<sup>108</sup> which examined provisions relating both to employment and social protection. Overall, the ECSR concluded that Georgia has made progress in order to be in a position to accept certain provisions of the Charter but that it needed to intensify its efforts in various areas, particularly in social security, vocational guidance and non-discrimination in social and medical assistance, in terms of both implementation and policy coherence. In addition, the report highlighted the need for Georgia to strengthen its legal frameworks, improve data reporting and enhance accessibility and equality in social services to fully comply with the Charter. The next review of Georgia's progress is scheduled for 2025.

#### Article 9 – right to vocational guidance

To address the situation in Georgia, the Government made reference to the Law on Vocational Education (2018), which mandates the Ministry of Education, Science and Youth to create and approve a strategy for guidance, counselling and career planning within the formal education system, as well as other vocational skill development programmes.<sup>109</sup> The ECSR stressed that states must establish and operate a service to assist all individuals, free of charge, in solving problems related to vocational guidance. This service must address issues related to occupational choice, taking into account individual characteristics and occupational opportunities. Vocational guidance must provide information on training and access to training, and guidance should be provided by qualified staff, such as counsellors, psychologists and teachers, in sufficient numbers and with an adequate budget. In conclusion, the Committee commended Georgia's efforts and encouraged the continuation of

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108 <https://rm.coe.int/3rd-report-georgia-na-provisions-eng/1680a5d629>.

109 As noted above, such a strategy has been developed and approved by the order 139/N of the Minister of Education, Science and Youth of Georgia on 27 August 2024.

these initiatives to fully implement the ongoing projects. It therefore found that Georgia is on the path to meeting the conditions required to comply with Article 9 of the Charter in the near future.

Article 10(1), (3) and (5) – right to vocational training: Technical and vocational training, access to higher technical and university education, vocational training and retraining of adult workers and full use of facilities available

The Government made reference to Georgia's Law on Employment Support, the existing programmes for professional development for registered jobseekers, the adult education system framework and work-based (both dual and cooperative)<sup>110</sup> programmes. In view of the information provided, the Committee found that there are no barriers preventing Georgia from complying with Article 10(1), (3) and (5) ESC.

Article 12(2) and (4) – right to social security: Maintenance of a social security system at a satisfactory level at least equal to that required for ratification of the European Code of Social Security and social security of persons moving between states

Given that the Government did not provide specific information regarding the condition or functioning of Georgia's social security system and that Georgia has not ratified the European Code of Social Security or ILO Convention No 102, it was found that the current situation does not align with the requirements of Article 12(2) of the Charter. As regards Article 12(4), the Georgia's Law on the Legal Status of Foreigners and Stateless Persons establishes that foreigners permanently residing in Georgia enjoy the same rights to social benefits as Georgian citizens. This includes stateless persons with recognised status, asylum seekers, refugees and individuals with neutral travel documents. The Georgian Law on Social Assistance also extends coverage to persons permanently residing in Georgia who are legally in need, including poor families and the homeless. In view of the above, the Committee acknowledged the information provided by Georgian authorities but noted there were insufficient data to fully assess compliance with Article 12(4) requirements. It therefore encouraged the Georgian authorities to consider the country's case law when preparing future reports, particularly regarding provisions not yet accepted.

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<sup>110</sup> According to the legislation, all full-time qualification programmes are work-based and, depending of the amount of practical components, they are differentiated as dual (where more than 50% of learning outcomes are achieved in real working environment) or cooperative (up to 50%) programmes.

### Article 13 – right to social and medical assistance

The Committee took note of Georgia's universal healthcare programme and the various targeted programmes addressing public health and specific diseases. However, it required more information to be able to fully assess compliance with the requirements of Article 13(1) of the Charter (Adequate Assistance for Every Person in Need). As regards Article 13(2) (Non-Discrimination in the Exercise of Social and Political Rights), there was no information available on the specific measures Georgia had undertaken in that regard. The Committee, therefore, concluded that the current situation does not align with Article 13(2) of the Charter and asked for further information to be provided. It was likewise in the case of Article 13(3) (Prevention, Abolition or Alleviation of Need) with the absence of information on measures taken in Georgia to provide necessary services like counselling and personal assistance<sup>111</sup> to address social and medical needs leading to the Committee concluding that the current situation does not meet the requirements set forth in Article 13(3) of the Charter. Lastly, although foreign citizens lawfully present in Georgia are entitled to receive medical services of the same quality as Georgian citizens under their own medical insurance, the Committee concluded that it lacked sufficient information and was thus not in a position to assess compliance with Article 13(4), specifically regarding the provision of emergency social and medical assistance to non-residents.

### Article 15(1) – right of persons with disabilities to independence, social integration and participation in the life of the community: Vocational training for persons with disabilities.

The Government argued that under Georgia's Law on Employment, persons with disabilities are provided with supportive employment counselling and employment promotion services, overseen by the State Agency for Employment Support. This includes developing individual career development plans, selecting suitable jobs or activities and offering short vocational training courses to facilitate job changes or retention. In addition, since 2013, Georgia's formal vocational education and training system is state-funded and accessible to people with disabilities and special educational needs. Most vocational schools have accessible infrastructure such as ramps and adapted bathrooms. Additionally, students with special needs receive quarterly vouchers for additional support. There also exist quotas and guidelines for vocational guidance tailored to people with disabilities. In view of the above initiatives, the Committee concluded that there are no significant obstacles for Georgia to accept Article 15(1) of the Charter.

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<sup>111</sup> As regards personal assistance, it should be noted that a subprogramme for providing personal assistance services (mainly to children with disabilities) has been introduced recently and is administered by the SCA.

Article 15(2) – right of persons with disabilities to independence, social integration and participation in the life of the community: Employment of persons with disabilities

The Government argued that Georgia's Labour Code mandates equal treatment and reasonable accommodation for persons with disabilities in employment, career development, vocational training and retraining. Employers are required to take appropriate measures unless it imposes a disproportionate burden. Furthermore, Georgia's Law on Employment Support allows for the creation of protected workplaces for people with disabilities. The State Agency for Employment Support provides grants to employers who maintain these protected workplaces for at least three years and offers consultation services through Supported Employment Consultants with specialised knowledge, skills and training to assist persons with disabilities or special educational needs in finding employment. Against this background, the Committee acknowledged the positive developments in Georgia regarding the employment rights of persons with disabilities but asked for more detailed information to allow it to assess full conformity with Article 15(2) of the Charter. It encouraged the Georgian authorities to continue their efforts in this field.

Article 16 – right of the family to social, legal and economic protection

The Government argued that Georgia's social protection system includes targeted cash assistance programmes aimed at reducing poverty among vulnerable households (via the TSA) and that there are family support initiatives, supported by UNICEF initiatives. In that context, the Committee concluded that, while Georgia has implemented measures to enhance economic protection for families, there is a lack of information regarding the fulfilment of social and legal protections for families mandated by Article 16 of the Charter.

Article 23 – right of the elderly to social protection

To address issues falling within the scope of Article 23 ESC, the Government made reference to the fact that Georgia provides social pensions and benefits to all older individuals as a form of social protection. The eligibility criterion for receiving a pension is reaching the age of 60 for women and of 65 for men. Amendments to Georgia's Law on State Pensions ensure that pension rates are adjusted to keep pace with inflation. For pensioners aged 70 and above, adjustments also consider 80% of real economic growth. As per the State Law on the Development of the High Mountain Region, older individuals permanently residing in mountainous areas receive an additional benefit equal to 20% of their state pension or social benefit package. In addition, the Government made reference to the TSA, which aims to alleviate poverty and social risks among older persons and other programmes, such

as the community service programme, the assistive devices programme and the universal healthcare programme, as analysed above.

In the view of the Committee, despite the efforts and information provided by the Georgian authorities, the current situation does not fully align with the standards set in Article 23 of the Charter. The Committee encouraged the Georgian authorities to continue enhancing the legal framework and practical implementation to better uphold the rights of older persons to social protection. This includes aligning policies and practices more closely with the requirements and spirit of Article 23 ESC.

#### Article 24 – right to protection in case of dismissal

According to the Government, Georgia's Labour Code specifies a definitive list of grounds upon which an employer can terminate an employment contract. Termination on grounds not explicitly outlined by law is prohibited. An employee has the right to challenge an employer's decision to terminate their employment contract through the courts. If the court rules that the termination was unjustified, the employer must either reinstate the employee, provide equivalent employment or offer compensation as determined by the court. In addition to reinstatement or compensation for equivalent employment, the employee can claim compensation for loss of earnings from the date of termination until the court's final decision is enforced. In view of the above, the Committee found that Georgia does not face significant obstacles in aligning its practices with the requirements of Article 24 of the Charter.

#### Article 30 – right to be protected against poverty and social exclusion

As regards poverty and social exclusion, the Government was confined to stating that a subsistence allowance is provided to a significant number of individuals, including state pensioners. Also, special groups receive state compensation and various social packages exist for disabled individuals, children without parental care, orphans and child survivors, etc. In addition, since 2013, Georgia covers essential health services free of charge for those living below the poverty line, including outpatient and hospital services, surgical procedures, treatment for oncological and infectious diseases and essential medicines for chronic conditions.

However, the Committee reserved its opinion on Georgia's ability to fully accept Article 30 of the Charter pending further information, despite significant steps being taken. This is

particularly so given that critical details were lacking in the state's report regarding how the government coordinates efforts across various sectors, the existence of monitoring mechanisms and the involvement of civil society and affected individuals in these mechanisms.

Article 31 – right to housing

Lastly, as regards the right to housing, it was noted that Georgia has established a Commission and a Working Group, and is receiving support from USAID's Democratic Governance Initiative Project to develop a housing policy. In addition, the National Strategy for Human Rights includes provisions to ensure the continued achievement of the right to adequate housing, although a comprehensive analysis of the current situation and of future steps is pending.

However, the Committee concluded that Georgia's measures to guarantee the right to housing, as required by Article 31 of the Charter, are not in line with the provision's requirements. The Georgian authorities were encouraged to intensify efforts in establishing both legal and practical frameworks to ensure respect of the right to adequate and affordable housing, with specific emphasis on eliminating homelessness.

## 4. SALIENT ISSUES, GAPS AND FURTHER REFORMS THAT ARE NEEDED AND POSSIBLE

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As analysed in Part 2 of this report, the ESC, in conjunction with the protection deriving from the soft law framework of the Council of Europe and other organisations, is central to the human rights-based approach to ageing, providing a framework that could support the transition of Georgia towards a new paradigm, through its binding hard law provisions and the work of its monitoring body. Georgia's path towards EU accession also involves significant reforms to align with the EU's social acquis, particularly concerning older persons' rights and broader social policies. The ESC can undeniably be an important factor to help drive the overall process.

The ECSR's approach to the nature of the Charter's provisions and states' obligations mandates that Georgia must implement social rights through continuous efforts, without regressing below minimum standards, and by measuring progress through well-established criteria and indicators. Active consultation of the Georgian authorities with vulnerable groups, including older persons and their representatives, in policy-making and implementation is also crucial, according to the Committee. Overall, the ECSR's interpretation of progressive realisation under the Charter represents a pragmatic and rights-based approach to the social and economic rights of older persons, which could prove crucial for Georgia's ongoing revolution towards achieving active social citizenship for older persons. In that context, it is important to reiterate that, even though their powers are delegated by the central government, Georgian local authorities are accountable for their conduct under the Charter when implementing and safeguarding the social rights of older persons. The central government must therefore provide adequate resources and support to local authorities to fulfil these obligations effectively without compromising on the rights guaranteed by the Charter. Central oversight becomes crucial to monitor and regulate local actions, ensuring they align with Treaty standards. Failure to constrain or sanction local actions that violate Charter rights could constitute a breach of the state's international obligations. Remarkably, the ECSR provides guidance to local authorities on implementing policies that support older persons and monitors local entities' delivery of services to older persons, ensuring compliance even in decentralised service provision contexts.

## 4.1. Benchmarking Georgia's legislative and regulatory framework and practice

The primary standard against which Georgia's legal and policy framework on the rights of older persons, presented in Part 3 of the report, is evaluated under Article 23 ESC, the pioneering international provision specifically dedicated to safeguarding the rights of older persons. It addresses the challenges posed by Europe's ageing population through coordinated intersectoral initiatives, emphasising values such as autonomy, independent living and active social citizenship. As analysed in detail in Part 2, Article 23 guarantees older people effective social protection, encompassing various aspects of their wellbeing outside of the workplace.

We should reiterate that the primary objectives of Article 23 are threefold: to ensure older persons' full integration and active participation in society by mainstreaming benefits and services; to secure their ability to lead an independent life through additional social, health and housing services; and to guarantee their right to personal decision-making and protection against violations of dignity, integrity and privacy in care settings. Moreover, the ECSR has expanded Article 23 beyond its original scope, incorporating elements critical for protecting older persons' social and economic rights, but also several interconnected aspects of their civil and political rights. This includes combating age discrimination beyond employment contexts and addressing elder abuse through various means.

The Committee therefore evaluates state compliance with Article 23 across several categories, including legislative frameworks, elder abuse prevention, resource adequacy, information accessibility, healthcare services, housing provisions and institutional care quality. It benchmarks state performance against international norms, emphasising dignity, autonomy, equality and solidarity for older individuals. In the view of the Committee, Georgia needs to enhance its legal frameworks and practical implementation to fully meet the Charter's standards for older persons, despite considerable efforts in providing social pensions and benefits.

Although Georgia has yet to accept Article 23 ESC, it is important to note that this provision overlaps with several other Charter provisions, some of which bind Georgia and can be invoked to interpret older persons' rights under Article 23 of the Charter when necessary, providing specific protections that further define broader rights.

In particular, as analysed, Article 12 ESC mandates the establishment, maintenance and continuous improvement of a comprehensive social security system, through benefits designed to reasonably replace lost income. These benefits should not fall below 50% of the median equivalised income to prevent poverty, but Georgia has not provided any information on its conformity with this method of assessment adopted by the ECSR. Article 13 ESC, on the other hand, mandates states to ensure access to social and medical assistance through integrated poverty-alleviation strategies, maintaining a decent standard of living through benefits that adequately cover basic needs, and is particularly relevant for older persons who may not be fully covered by pension benefits and have no other resources. In addition, Article 14 of the ESC mandates contracting parties both to promote and to provide an array of effective social welfare services, facilitating welfare, development and integration into society for vulnerable groups, including older persons, in accordance with national welfare needs, cultural traditions, family responsibilities and available resources. Taken together, Articles 12, 13 and 14 ensure a comprehensive social policy framework that addresses the distinct needs of older persons, in complementarity with Article 23 ESC. In the view of the ECSR, Georgia faces several challenges in conforming with the Charter's requirements on social security rights, particularly concerning the adequacy of coverage and the inclusion of essential benefits like family and unemployment benefits. In addition, according to the Committee, there are several gaps in Georgia's provision of adequate support and ensuring non-discrimination in social services.

The missing pieces to this puzzle, against which Georgia's social policy towards older persons will be evaluated are the right to protection from poverty and social exclusion and the right to housing under Articles 30 and 31 ESC respectively. Under the former, the ECSR requires states parties to adopt an overall and coordinated approach to address poverty and social exclusion, emphasising the development of analytical frameworks, priority setting and the implementation of measures aimed at preventing and removing barriers to fundamental social rights. It advocates for policy integration across sectors, rather than segmented approaches targeting specific groups, supported by effective monitoring mechanisms involving civil society and affected individuals. As regards the right to housing, it addresses various aspects crucial for ensuring adequate housing conditions for all, including vulnerable groups such as older persons, who, in the absence of appropriate community-based services, face housing insecurity.

In its reporting work on non-accepted provisions by Georgia, the ECSR has highlighted var-

ious social support programmes aimed at alleviating poverty in Georgia, but has pointed to the need for comprehensive information on coordinated strategies and civil society involvement in efforts to alleviate poverty and combat social exclusion. As regards housing, the Committee has emphasised that current measures do not fully meet the requirements for adequate housing, urging Georgia to strengthen its legal framework and practical implementation to eliminate homelessness and ensure housing rights, in accordance with its Charter obligations.

In addition, Article 11 complements Article 23 of the ESC by guaranteeing the right to health, which includes specific measures to safeguard the health of older persons comprehensively. The ECSR stresses that access to healthcare should not impose financial burdens on older individuals, advocating for collective community-based funding to ensure equitable access without discrimination. This principle encompasses not only nursing home care, but also calls for comprehensive healthcare services, including primary care, mental health programmes and home-based health promotion initiatives.

The Committee, however, has highlighted deficiencies in Georgia's health education, counselling and screening services, and its inadequate healthcare provisions in detention facilities. Issues also included insufficient mental health services transitioning from institutional to community-based care, and inadequate measures to combat environmental pollution and manage infectious diseases.

Lastly, Article 16 ESC emphasises the importance of providing social, legal and economic protections to families, particularly addressing the roles and rights of older persons within familial structures. This article recognises the vital support provided by informal caregivers, often spouses or partners, who play significant roles in caring for older family members as their long-term care needs increase. It stresses that family relationships are essential throughout the life course, extending beyond traditional marital ties to include diverse familial configurations. In the view of the Committee, except for targeted cash assistance, Georgia lacks specific legal protections for families.

As regards the Charter's standards within the workplace, there are many Charter provisions, including Articles 1, 2, 3, 4, 9, 10, 15, 20, 24 ESC, which, as interpreted by the ECSR, establish foundational protections for all persons, and therefore also for older persons, and especially for persons with disabilities. They collectively promote decent working conditions,

fair remuneration and human resource development to align labour market demands with individual capabilities. They mandate states to adopt economic policies conducive to job creation and to assist the unemployed in securing or qualifying for jobs, emphasising high employment rates that include older workers. In addition, they underscore the policy objective of achieving robust employment levels that encompass vulnerable groups like older persons and individuals with disabilities. They also highlight states' obligations to ensure vocational guidance, retraining and rehabilitation for older workers, without discrimination, while ensuring gender equality and support for workers with family responsibilities. It is therefore regrettable that Georgia has accepted only some of these provisions, thus limiting the protection offered to older workers and impeding the ECSR from providing essential guidance to the Georgian authorities by means of the Charter's monitoring procedures. According to the Committee, there are several concerns regarding Georgia's law and practice in employment-related matters, which could very much have an impact on older persons. For instance, the ECSR has noted a decline in employment rates among older workers and has raised issues regarding unemployment rates and the effectiveness of Georgia's labour market policies, especially regarding the need for qualified staff and adequate resources to fully implement vocational guidance services as required by the Charter.

Lastly, a cross-cutting provision that complements and reinforces the above is Article E, underpinning the Charter's framework by prohibiting all forms of discrimination in the enjoyment of rights, including on the basis of age. Under this provision, Georgia is obliged to collect accurate data, ensure non-discriminatory policies throughout all sectors, oversee local actions and provide equal access to rights and benefits across all groups, taking into account relevant differences among individuals.

## 4.2 Institutional issues and gaps

Against the above background and as thoroughly discussed in Part 3 of this report, the Georgian Constitution serves as the foundational legal document that specifically outlines human rights, binding all state authorities, including local ones, to adhering to its principles. Despite its comprehensive coverage, the Constitution does not make explicit reference to the rights of older persons. However, it does guarantee universal freedoms, equality before the law and labour rights, ensuring fair compensation and safe working conditions, which indirectly benefit older workers.

Recent constitutional amendments strengthened the constitutional status of social rights, underscoring principles of social justice, equality and solidarity. The state is constitutionally obliged to ensure healthcare, social protection, minimum subsistence, decent housing and to promote employment. However, Georgia's Constitutional Court has historically approached social rights cautiously, citing the separation of powers and the non-justiciability of such rights, although recent cases have shown more potential. Challenges persist in Georgia's approach to realising social rights, often perceived as contingent upon state authorities' discretion rather than enforceable legal guarantees. Given that international treaties hold significant normative authority within Georgian law, superseding national legislation unless they conflict with constitutional provisions, the ESC could play a significant role in the realisation of older persons' rights, if given due attention at the national level. It is essential that Georgia takes steps to accept the non-accepted provisions of the ESC to consolidate its legal framework.

As regards Georgia's path towards a coordinated strategy on the issues of age and the rights of older persons, it was noted that, following the formulation of a comprehensive Road Map for Mainstreaming Ageing in Georgia by UNECE, Georgia adopted a ground-breaking policy document in 2016, the State Policy Concept on Ageing. The Concept addressed a spectrum of issues affecting older persons, including healthcare improvements, social integration, lifelong learning and employment considerations. It called for a National Action Plan for Ageing to be developed for its operationalisation. The Plan was adopted in 2017 but faced significant challenges in implementation and underscored the disconnect between policy intentions and actual outcomes. During the same period, Georgia also adopted a crucial and robust policy framework, the Demographic Security Concept, to address the country's demographic challenges and which has significant implications for older persons. However, it is unclear whether these policy intentions have materialised into tangible results.

The National Human Rights Strategy for 2022-2030 and the 2024-2026 National Action Plan also mark a significant step in Georgia's commitment to protecting and promoting fundamental rights across various domains, including the rights of older persons. Nonetheless, despite the goals articulated and detailed planning, challenges such as the need for inter-agency collaboration, legislative amendments, co-production with civil society and resource allocation remain. Looking ahead, Georgia is preparing a new Action Plan on Ageing

for 2024-2026, integrating broader government strategies and coordinated efforts, but, until it is adopted, more than 6 years will have passed without a comprehensive policy strategy on the rights of older persons and corresponding implementation efforts. Overall, it is clear that while Georgia has established comprehensive strategies to address the rights and needs of older persons moving towards a new model of active social citizenship, effective implementation hinges on overcoming political, administrative, resource and other challenges. Identifying and engaging with Georgia's obligations under the ESC and the ECSR's work, as well as with other international treaties, should be a priority for the Georgian authorities in order to ensure that a human rights-based approach is channelled into its strategies and to receive guidance on how to better fill the existing implementation gaps.

As regards the capacity and adequacy of institutional actors to drive towards a new paradigm for ageing and the protection of older persons' human rights in Georgia, reference should first be made to Georgia's infrastructure at both central and local levels. As discussed in detail, at the central level, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs assumes primary responsibility for policies affecting older persons and shares other such responsibilities with other ministries. However, despite the comprehensive responsibilities, challenges persist in coordinating ageing-related policies dispersed across various ministries, which complicates coherent planning and management efforts. Other challenges include the lack of human and financial resources to deal with age-related issues comprehensively, the deficiencies in communication and coordination of actions with local authorities and service providers, and the need for human rights-based approaches in implementation, including on the basis of the ESC.

At the local level, municipalities in Georgia wield significant powers and responsibilities towards older persons and their actions profoundly influence the realisation of their human rights. However, challenges persist within municipal governance concerning social services and support for vulnerable groups like older persons. Disparities also exist between urban and rural areas in information availability and quality and the range of service provision. Issues such as inadequate funding allocations, dependency on ad hoc assistance and dispersed initiatives rather than comprehensive care, limited institutionalised care options and inconsistent decision-making processes within health and social services highlight gaps in local support systems. A need to increase human rights education at the local

level and engagement by local authorities with Georgia's international human rights obligations, including the ESC and the European Charter of Local Self-Government, is evident. In conclusion, while Georgia's local government framework provides a decentralised approach to governance, enhancing the realisation of older persons' human rights requires addressing gaps in resource allocation, standardising service delivery and fostering greater awareness of human rights obligations among local authorities. Strengthening coordination mechanisms, enhancing policy coherence and promoting inclusive decision-making processes will be essential in advancing the rights and wellbeing of older persons and other vulnerable groups across Georgian municipalities.

Another important pillar of Georgia's infrastructure is the Public Defender's Office, which ensures the protection and promotion of human rights and freedoms in the country. Operating independently, the PDO oversees compliance with international human rights standards, provides recommendations, engages in educational activities related to human rights, receives complaints by individuals and engages in litigation. The PDO has extensively addressed the rights of older persons and continuously monitors their situation, recognising the demographic challenge posed by the growing population of older individuals in Georgia and the associated human rights issues. Through these efforts, the PDO plays a crucial role in safeguarding and advocating for the rights of older persons in Georgia.

In order for the PDO to be in a position to deal comprehensively with the human rights of older persons and help the drive towards a new model in Georgia, it is important that the mandate of the PDO is expanded to specifically include older persons as a priority and that additional financial resources are allocated for that purpose. This is particularly important given the current developments with respect to the UN treaty debate on the rights of older persons, as well as the challenges faced by Georgian civil society organisations in advocating for the rights of older persons, as mentioned in the paragraph that follows. In addition, further engaging with the ESC and the work of the ECSR could help the PDO to accomplish that goal.

Furthermore, non-state actors, particularly NGOs, are pivotal in service provision, such as the home care services funded by municipalities. Generally, civil society plays a pivotal role in supporting older persons in Georgia, yet the landscape is characterised by significant gaps and challenges. NGOs in Georgia typically adopt a holistic approach and have historically not prioritised the specific rights and needs of older persons. Engagement by such

actors with the ESC and the work of the ECSR also remains very limited. In addition, as already noted, apart from the Pensioners Union of Georgia, the capacity of which is very low in terms of advocating for older persons' rights, there are no other dedicated NGOs or associations exclusively focused on older persons, and self-advocacy among older persons is close to non-existent due to cultural and other reasons.

Unlike other vulnerable groups such as persons with disabilities, there is no dedicated council or working group in Georgia specifically addressing issues exclusively pertinent to older persons. The absence of such platforms limits structured discussions and collaboration among state institutions, civil society and other stakeholders on policies and programmes relevant to older persons. Furthermore, recent legislative measures on foreign influence have strained cooperation between the government and NGOs, potentially slowing down collaborative efforts on human rights issues, including those affecting older persons. The private sector's involvement in social services also remains limited, while the volunteering sector is still in its nascent stages of development.<sup>112</sup>

Addressing these challenges will require fostering more robust civil society engagement, establishing dedicated advocacy initiatives for older persons, creating platforms for structured dialogue among stakeholders and enhancing research efforts specific to the ageing population. These steps are crucial to advancing the rights and wellbeing of older persons in Georgia effectively, and the ESC could very much serve as an essential tool to guide such developments.

Lastly, in terms of research and data availability, Georgia faces significant challenges. There is a notable lack of comprehensive data specifically focused on older persons, which hampers the development of effective policies and programs tailored to their needs. Critical gaps exist in essential areas such as abuse and homelessness among older populations. Stakeholders emphasise the urgent need for disaggregated data by age to inform evidence-based decision-making. Existing academic and policy research on these issues is scarce and often lacks objectivity due to reliance on international donor funding, which may not always align with local priorities or accurately reflect the desires and needs of older people themselves, particularly regarding active ageing and independent living.

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112 See the Law of Georgia on Volunteering.

## 4.3 Thematic and policy-oriented issues and gaps

### *Work and life-long training and learning*

Our analysis, in Georgia, reveals a landscape for work and lifelong learning among older adults that is characterised by challenges and limited systemic support in view of the Charter's requirements. The older population generally exhibits lower educational attainment than younger cohorts, exacerbating the mismatch between available skills and labour market demands. Although, since 2015, Georgia has implemented state programmes aimed at promoting employment and skills development, these initiatives have primarily targeted jobseekers below retirement age, and have excluded older adults formally categorised as having reached retirement age and thus not considered as part of the workforce. These employment promotion programmes focus on vulnerable groups, such as persons with disabilities, but they lack specific incentives or provisions for older workers or for promoting entrepreneurship beyond retirement age. Exceptions allow older persons to participate in training programmes despite legislative restrictions, following an application they make on their own initiative and based on their special status as citizens of retirement age. This exceptional character of older persons' participation in such programmes therefore does not seem to fully conform with the ECSR's requirements.

Until recently, Georgia's educational strategy predominantly emphasised preparing younger individuals for professions, accentuating the gap in structured continuing education systems tailored for older workers to upgrade or acquire new skills. Since 2019, the Ministry of Education, Science and Youth has started developing the adult education system, and short-term vocational training and re-training programmes have become part of the formal education system. Despite these efforts, however, a comprehensive system addressing ongoing education needs for older workers, especially those beyond the retirement age, remains underdeveloped.

The Law on Disability and the Labour Code offer some safeguards relevant to older persons with disabilities, including provisions for reasonable accommodation in employment. However, systemic barriers, such as limited access to educational institutions, housing, transportation and communication technologies persist, hindering the full labour market participation of persons with disabilities, including older adults, contrary to the Charter's requirements.

Furthermore, despite strong legal protections against age discrimination in Georgian legislation, as also required by the ECSR, discriminatory hiring practices based on age remain prevalent, especially in the private sector. This discrimination persists despite evidence that older workers bring valuable experience and reliability to the workforce. Moreover, the absence of specific provisions tailored for older persons within the Labour Code further complicates their employment prospects, including provisions such as those for caregiver support.

In conclusion, while Georgia has taken steps in promoting employment and skills development through various programmes, gaps persist in addressing the specific needs of older workers. These include formalised continuing education opportunities proactively targeting older persons and tailored to their needs, comprehensive protections for older workers in employment legislation and combating age discrimination related to labour rights, including in hiring and dismissal practices. Addressing these gaps through the lens of the ESC and the work of the ECSR would be beneficial in order to make concerted efforts to enhance legislative frameworks, expand educational opportunities and foster inclusive policies that support active ageing and lifelong learning among older adults in Georgia.

#### *Social security, assistance and support services*

Georgia's approach to social security, assistance and support services for older persons reflects a commitment to social protection amidst broader economic reforms aimed at inclusive growth. Since 2003, Georgia has diverged from traditional post-Soviet social insurance models to adopt a tax-financed system prioritising universal old-age pensions, disability benefits, poverty-targeted schemes and universal healthcare under the Universal Healthcare Programme (UHCP). These measures underscore the government's recognition of the pivotal role of social protection in fostering inclusive economic development.

The cornerstone of Georgia's social protection system is its universal old-age pension. Despite criticisms that it potentially incentivises informal work due to its universality, the pension has been effective in preventing extreme poverty among older adults. However, its adequacy remains below international standards for ensuring a dignified standard of living comparable with that during employment, particularly with regard to healthcare, medication and nutritional needs, in contrast to the ECSR's requirements. The universal pension alone often proves insufficient for vulnerable groups with multiple needs, necessitat-

ing additional support mechanisms.

To complement the non-contributory pension, in 2018, Georgia introduced a mandatory defined contribution scheme aimed at securing pensions and stimulating economic growth through investment. Concerns persist, however, regarding its redistributive fairness, lack of solidarity mechanisms and adequacy in addressing inequalities, particularly for women who tend to have shorter careers and lower earnings.

Despite these efforts, gaps in Georgia's social protection system remain. These include the absence of unemployment benefits, employment injury insurance and survivors' benefits for adults. They reflect existing challenges in fully addressing lifecycle risks and ensuring comprehensive social security for older persons, while acknowledging the gender dimension, as mandated by the ESC and other Council of Europe documents.

In conclusion, while Georgia's social security framework demonstrates a strong commitment to older persons through universal pension provision and a growing supplementary pension system, reforms are needed to enhance adequacy, address gender disparities and expand coverage to include comprehensive support services necessary for ensuring a dignified quality of life in older age. These reforms should prioritise filling existing gaps in social security coverage and implementing mechanisms to promote equity and sustainability across the system, taking into account Georgia's demographic challenges.

As regards social assistance, Georgia's framework is designed to alleviate poverty and enhance social protection through various targeted programmes and benefits managed by the government. Central to these efforts is the implementation of targeted social assistance (TSA), with older persons, particularly older women, constituting a significant proportion of its beneficiaries. However, despite its wide reach, challenges persist, including inclusion and exclusion errors in identifying eligible recipients, administrative delays in disbursement and concerns about dependency among long-term beneficiaries, which could be considered problematic under the Charter and the ECSR's interpretative approach.

One of the longstanding criticisms of the TSA programme has been its potential disincentive effect on employment, since beneficiaries risk losing their allowances if their income exceeds minimal thresholds. Recent reforms have attempted to address this issue by allowing beneficiaries to engage in employment without immediate disqualification, thereby

encouraging socioeconomic mobility while still benefiting from necessary social support. However, since 2015, gaps have remained in adjusting allowance amounts to inflation, highlighting ongoing challenges in maintaining the purchasing power of beneficiaries amidst economic fluctuations.

In addition, an important pillar of Georgia's social assistance framework is the Social Package programme, which serves as a critical component of the country's system, targeting vulnerable groups such as persons with disabilities and aiming to alleviate poverty and enhance social wellbeing. Despite its significant impact, the Social Package programme faces challenges with respect to its criteria for eligibility and benefit determination, which are reportedly not sufficiently inclusive and fail to adopt a human rights-based approach. Instead, given that the disability assessment system relies solely on medical diagnoses, eligibility for the Social Package may not fully capture the diverse needs and circumstances of individuals with disabilities. Moreover, the financial assistance provided through the Social Package has been deemed inadequate, falling short of covering basic living expenses and subsistence minimums, particularly in high-cost urban areas. Additionally, certain regulations associated with the Social Package have been scrutinised for their discriminatory implications. For example, individuals with dual citizenship are excluded from accessing benefits if they receive pensions from another country, even if they are Georgian citizens. Also, persons with moderate disabilities who have not had the status of persons with disabilities since childhood are excluded from the Social Package. Similarly, older persons with disabilities are barred from simultaneously receiving multiple social benefits, such as the social pension and the Social Package. These discriminatory practices could be considered as contrary to the Charter's standards.

In terms of social services, Georgia's Social Rehabilitation and Child Care Programme plays a pivotal role in supporting vulnerable populations, particularly older persons and individuals with disabilities, through various programmes, such as day care services, assistive devices, community-based services and home care services. However, there is no integrated and unified care system in the country which could address the special needs of older people. Regarding long-term care services, Georgia faces significant gaps in both medical and non-medical support, exacerbated by insufficient funding and inadequate infrastructure in daily specialised institutions. In addition, there is a significant lack of specialised institutions available to provide institutional care for older people who cannot remain in home care. Although the government operates residential facilities in Tbilisi and Kutaisi,

their capacity and service quality have been scrutinised, reflecting broader challenges in ensuring adequate care standards for older persons and needs in further developing their residential care. Furthermore, no state-established day care programme exists specifically addressing older persons and their special needs, with day care centres established for that purpose.

Additionally, rights violations in privately-funded facilities often go unaddressed due to inadequate capacity and service quality and a lack of comprehensive oversight by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs. Challenges within such facilities include a lack of awareness of legal standards, rights violations during admission, poor infrastructure, neglected healthcare, lack of mental health support and issues with caregivers' qualifications and labour rights, which do not conform with international legal standards, including under the ESC.

Also, the shortage of qualified social workers remains a critical issue, impacting the quality and availability of care services, particularly in rural areas. Misconceptions about social work further complicate efforts to empower beneficiaries and move away from institutional-based care practices. Addressing these challenges requires comprehensive reforms, including the comprehensive regulation of privately funded institutions to uphold human rights standards and improve service quality, as mandated by the ESC and the work of the ECSR (e.g. proper licensing, inspection by an independent mechanism, the availability of a complaint mechanism, training and decent working conditions for staff). Under the ESC, states have a duty to ensure that the rights protected by that treaty are protected by other institutions beyond the state, including private parties.

In conclusion, while Georgia has made important efforts in providing social services to vulnerable populations, including older persons and individuals with disabilities, significant challenges remain in ensuring equitable access, improving service quality and addressing systemic barriers to effective care delivery. Continued reforms and increased investment towards the development of an integrated and unified care system are essential to meet the diverse needs of older persons and promote their wellbeing and social integration across the country.

### Healthcare

Georgia's healthcare sector has undergone significant improvements in recent decades, contributing to increased life expectancy and reduced mortality rates. Despite this commitment, Georgia has faced a noteworthy population decline, largely due to emigration and a low birth rate, underscoring the increasing healthcare needs of its ageing population. The Universal Healthcare Programme (UHCP), launched in 2013, has significantly expanded health insurance coverage to nearly 98% of the population. Despite these advances, as noted by the ECSR, challenges persist in the healthcare sector. These include high medication costs, high out-of-pocket payments in some regions, inadequate social integration services for mental healthcare beneficiaries and concerns about compulsory medical interventions in psychiatric establishments. There is also a need to enhance geriatric care, including integrating geriatrics into medical training and developing specialised services to meet the needs of an ageing population, along with the opening of additional facilities for palliative care. Lastly, nurses in Georgia, who face significant challenges, including poor working conditions and insufficient support policies, are in short supply despite recent legislative changes addressing their low-pay situation, certification and education.

In conclusion, while Georgia has managed to expand healthcare coverage and implement national strategies to address health challenges, persistent gaps remain in specialised care for older persons, those with chronic conditions and mental health patients. Further investments in healthcare infrastructure, preventive healthcare strategies and professional training are essential to meet the evolving healthcare needs of Georgia's population effectively and conform with the Charter's standards.

### Prevention of violence and abuse

Georgia has taken significant steps in combating domestic violence and abuse, but challenges persist. The reliance on shelters and crisis centres has revealed shortcomings in both quantity and quality. There is a lack of proactive preventive measures and comprehensive social services tailored specifically for victims of domestic violence. Moreover, bureaucratic delays and inadequate support duration hinder victims from achieving long-term independence and social reintegration post-shelter. Access to psychological support, financial assistance and vocational training remains inconsistent, with rural areas particularly underserved compared to urban centres.

Elder abuse, in particular, including neglect, physical, psychological and financial abuse,

is a critical issue in Georgia. Older adults face significant challenges, namely insufficient psychosocial services, dedicated programmes and effective monitoring systems to protect them adequately, contrary to the Charter's requirements. Despite the provision of basic services like medical care, legal assistance and temporary shelter, these are not tailored to the unique needs of older victims, highlighting gaps in protection and support.

Gender-based violence, particularly affecting older women, remains a pervasive issue in Georgia. Legislative improvements have been made, yet effective implementation and coordination among government agencies remain insufficient. Deep-seated patriarchal attitudes contribute to societal tolerance of gender-based violence, perpetuating the vulnerability of older persons within family settings.

### Equality and non-discrimination

In Georgia, efforts to address equality and non-discrimination are anchored in legislative frameworks that aim to protect individuals from various forms of discrimination, including age, as required by the ECSR. However, challenges persist across different groups, particularly concerning gender equality and the impact of traditional caregiving roles on women's participation in the workforce. Furthermore, Georgia's differential retirement ages for men (65) and women (60) can adversely affect their pension savings and financial security in old age. The pension system inadequately accommodates women engaged in unpaid care and domestic work, exacerbating gender-based inequalities in retirement income, which do not sit well with the ESC and the Committee's interpretations. Besides gender issues, discrimination based on age is still prevalent in Georgia with respect to the purchasing of health and travel insurance and other financial products by older individuals, which is contrary to the ESC standards. Furthermore, other marginalised groups in Georgia, such as LGBTI individuals and ethnic minorities face systemic exclusion and discrimination, in violation of Georgia's international commitments, while the additional needs for psychological rehabilitation of IDPs are also overlooked.

Overall, Georgia faces significant challenges in ensuring equal rights and opportunities for all its citizens, particularly concerning intersectional issues such as age, gender, ethnicity and displacement status. Addressing these challenges requires not only robust legal frameworks but also comprehensive social policies, proactive measures to promote equality and targeted interventions to support marginalised groups. Enhancing awareness, promoting inclusive practices and fostering dialogue across sectors are essential steps to-

wards achieving substantive equality and non-discrimination in Georgia.

#### Autonomy and legal capacity

In Georgia, legal capacity is fundamental to ensuring individuals can fully exercise their rights and freedoms, a principle particularly crucial for vulnerable groups such as persons with disabilities and older persons. Georgia has developed a specific legal framework in that regard, but there are significant implementation challenges. These include the absence of effective policies and institutional frameworks for supported decision-making, inadequate training for judiciary and relevant actors and formal rather than substantive inclusion of persons with disabilities in decision-making processes. Furthermore, there are difficulties in assessing psychosocial needs, as well as a lack of multidisciplinary approaches and insufficient monitoring mechanisms to safeguard rights and prevent undue influence.

To conform with the standards set by the ESC and the ECSR, Georgia should adopt a national legal framework on assisted decision-making specifically for older persons, guaranteeing their right to make decisions for themselves unless it is shown that they are unable to make them. It is required that the national legal framework foresees appropriate safeguards to prevent the arbitrary withdrawal of autonomous decision-making by older persons, and also in the case of reduced decision-making capacities. It should be ensured that the person acting on behalf of an older person interferes to the least possible extent with their wishes and rights.

#### Independent living and housing

Lastly, as regards ensuring older persons' independent living and housing, Georgia faces significant challenges in terms of the Charter's standards. Many live in inadequate conditions or face homelessness, exacerbated by post-Soviet privatisation that left some without secure housing options. This period also contributed to the deterioration of shared amenities in apartment buildings, impacting essentials such as elevators and utilities. Housing costs in urban areas like Tbilisi remain high relative to incomes, presenting barriers for older persons seeking affordable options or loans. The country lacks a comprehensive governmental strategy specifically addressing housing and homelessness, which has resulted in a narrow legal definition of homelessness and inconsistent policy-making. Municipalities responsible for housing initiatives struggle with varying definitions of homelessness, inadequate databases and insufficient budget allocations for social housing. Infrastructure de-

ficiencies also hinder independent living for older persons in Georgia, particularly outside major cities. Despite ongoing deinstitutionalisation efforts, many older persons still face challenges such as loneliness and social isolation due to a lack of accessible housing and community services. Furthermore, in rural areas older persons often face digital exclusion due to a lack of digital skills and limited access to technology.

## 5. CONCLUSIONS AND RECOMMENDATIONS

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As can be seen in this Needs Assessment Report, addressing the status of older persons and ensuring their social human rights without discrimination is a critical challenge for Georgia - one which should be considered a priority. The ESC does not ask for more support under an old system but offers an indispensable framework to support the ongoing revolution in old age policy in Georgia and its transition from a model based on passive dependency and care-based approach to one based on active social citizenship, founded on human rights values such as autonomy, independence and social inclusion.

Although Georgia has not opted into Article 23 of the Charter, which specifically deals with older persons' rights, or other Charter provisions that are highly relevant to older persons and collectively ensure older people's human rights across all areas of life, it is suggested that Georgia is ready to accept them and take steps to align its legal and policy framework with their content. The Charter's notion of "progressive realisation" assumes goals can be progressively met as resources allow, highlighting the importance of the direction of state policy.

The report examined benchmarks under the Charter and assessed the social rights of older persons in Georgia, focusing on the institutional architecture and the legal and policy frameworks, taking into consideration societal, economic and cultural contexts. It identified the salient issues, gaps and necessary reforms to optimise the Charter's spirit and letter in Georgia.

It was shown that the ESC, along with the soft law protections from the Council of Europe and other international organisations, is essential to a human rights-based approach to ageing. It offers a framework to support Georgia's transition to a new paradigm through its binding legal provisions and the efforts of its monitoring body. Georgia's journey towards EU accession could also require significant reforms to align with EU social policies, particularly regarding older persons' rights, and alignment with the ESC standards could be a crucial factor in driving this process. The ECSR's perspective on the Charter's provisions and states' obligations require Georgia to continuously implement social rights without falling below minimum standards, using established criteria and indicators to measure prog-

ress. The Committee also stresses the importance of actively consulting vulnerable groups, including older persons and their representatives, in policy-making and implementation. Overall, the ECSR's interpretation of the ESC provides a pragmatic, rights-based approach to the social and economic rights of older persons, which is vital for Georgia's efforts to achieve wellbeing for its older population in view of the current demographic pressures. As regards the capacity and adequacy of Georgia's institutional architecture and legal and policy framework to drive towards a new paradigm for ageing and the protection of older persons' rights in Georgia, several challenges have been identified in the report. These challenges include, among other things, gaps in strategic planning, coordination and implementation of coherent ageing-related policies, a lack of human and financial resources to address age-related matters comprehensively, an absence of structured discussions and collaborations among state institutions, civil society and other stakeholders on policies relevant to older persons, as well as deficiencies in research and data availability on older persons.

As regards specific thematic areas examined, Georgia has taken steps in promoting decent working conditions and employment and skills development, although gaps persist in addressing the specific needs of older workers. Furthermore, while Georgia's social protection framework demonstrates commitment to older persons through universal pension and social assistance provisions, reforms are needed to enhance adequacy, address gender disparities and other discriminatory practices and expand coverage to include comprehensive support services necessary for ensuring a dignified quality of life in older age. Georgia also faces a number of challenges in social service provision in terms of availability, quality and compliance with human rights principles, despite recent positive developments. Georgia's healthcare sector has undergone significant improvements in recent decades, but persistent gaps remain in specialised care for older persons, especially those with chronic conditions and mental health patients.

Georgia has made significant progress in combating domestic violence and abuse, but significant problems persist with respect to older persons and their unique needs in protection and support. Moreover, Georgia has recently made important steps in addressing issues of equality and non-discrimination, as well as autonomy and legal capacity. However, Georgia faces obstacles in ensuring equal rights and opportunities for all its citizens, particularly concerning intersectional issues such as age, gender and ethnicity, while also facing implementation challenges in the areas of supported decision-making and the sub-

stantive inclusion of older persons with disabilities in employment, decision-making processes and in social life. Lastly, reforms are required in Georgia's law and practice to ensure older persons' independent living and housing, given the lack of comprehensive strategies and regulations.

To address these challenges and provide guidance to the Georgian authorities, civil society and other actors towards a human rights-based framing of ageing, by harnessing the ESC and its philosophy of active social citizenship, we provide the following recommendations:

## RECOMMENDATIONS TO THE STATE

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### Charter-related

Improve reporting to the ECSR, by providing more in-depth information on accepted and non-accepted provisions of the Charter.

- Accept the non-accepted provisions of the ESC which are relevant to older persons.
- Accept the Additional Protocol providing for a system of collective complaints (1995).
- Grant representative national NGOs within the jurisdiction the right to lodge complaints before the ECSR by making a declaration under the Additional Protocol Providing for a System of Collective Complaints or pursuant to Article D§2 of the Revised Charter.
- Engage with the work of the ECSR on the rights of older persons in the design and implementation of laws and policies, as well as with the Charter obligations for the progressive realisation and immediate enforcement of the relevant rights.

### Institutional

- Prioritise the development, implementation and monitoring of new legislation and strategic policy documents related to older persons' rights with broad public participation, including organisations working on older persons' issues.
- Establish interministerial coordination for ageing issues to ensure a comprehensive approach and human rights integration.

- Expand the mandate of the Public Defender's Office to specifically include older persons as a priority (e.g. through a working group for the protection of the rights of older persons), possibly empowering it with binding opinions and legal oversight powers, and allocate additional resources towards that end.
- Conduct thorough assessments of older residents' needs within municipalities and develop targeted programmes accordingly.
- Strengthen the capacity of local authorities to effectively address ageing issues, particularly in regions with high proportions of older persons, while ensuring the adequate allocation of resources to municipal budgets.
- Improve communication and coordination between the government, state agencies and municipalities.
- Establish mechanisms promoting self-advocacy by older persons (e.g. by providing reliable information on available complaint procedures).
- Encourage the establishment of organisations of and mechanisms for older persons at all levels to represent older persons in decision-making through adequate measures (e.g. through the creation of a national commission of older persons).
- Enhance the constructive and meaningful participation of older persons and their representatives in legislative and policy-making processes at all levels.
- Encourage capacity-building initiatives for NGOs to effectively advocate for ageing-related issues and to engage with government processes.
- Promote communication and co-production with civil society organisations, NGOs and representatives of older persons.
- Support the collection and dissemination of age-disaggregated data and information relevant to older people that reflects their lived reality (e.g. about rural areas or informal employment).
- Review statistical concepts, data collection instruments and methodological approaches used in policy development and assessment in order to identify and revise any that may be age-biased.
- Allocate resources to those aspects of age-related research judged to be a priority in the country and channel those resources through relevant national science-funding bodies and foundations.
- Include modules on ageism against older people in national social surveys and in national data collection exercises.
- Conduct and promote further research to identify specific service needs and preferred activities among older adults to better inform future interventions.

- Establish and continue active participation in the international processes on ageing (e.g. UNECE, OEWSGA) and explore possibilities for donor engagement for the purpose of receiving support.

## Policy-related

- Design and implement policies in response to ageing populations in a holistic approach and in a co-ordinated way over a wide range of policy areas.
- Ensure that all policies take into account the changes that occur in the situation of a person throughout life.
- Adopt a specific active and healthy ageing strategy or comprehensive and concrete policy measures enabling individuals to seize opportunities for active and healthy ageing throughout the life course.
- Tackle poverty through a comprehensive and coordinated strategy, to create opportunities for active and healthy ageing.
- Mainstream gender in policies that promote active and healthy ageing, taking into account the diverse needs and situations of all individuals over the life course.
- Facilitate older persons' participation in social, cultural and civic life, and promote life-long learning.
- Invest in the creation of more age-friendly environments to strengthen the autonomy and independence of older persons.
- Adopt concrete measures to combat loneliness and social isolation among older persons, including by supporting initiatives in local communities and by civil society and volunteers.
- Promote a positive culture and image of ageing by highlighting the rich contributions of older persons to society (e.g. through media campaigns).
- Promote and facilitate the participation of older persons in the labour market to achieve longer working lives, by removing barriers and disincentives to work longer.
- Implement active labour market policies, such as job matching, job-search assistance, training, vocational guidance and counselling to improve the employability of older persons, based on life-long learning.
- Consider legally recognising the activities of informal and family carers over the life course and providing targeted support (e.g. care allowances or flexible working arrangements, enhanced leave entitlements and adequate pension entitlements for periods of care) to help balance paid work, care and private life, especially for women,

and to prevent old-age poverty.

- Consider taking measures to encourage men to share family and care responsibilities (e.g. by establishing paid paternity benefits, shared parental benefits or paternity leave).
- Consider making the pension system more sustainable (e.g. by raising statutory retirement ages, raising the retirement age for women to gradually equalise it with men, indexing the retirement age to life expectancy, providing financial incentives for working longer and introducing flexible retirement schemes to encourage later labour market exit).
- Facilitate and invest in formal and informal learning opportunities for older persons beyond professional education.
- Promote user-friendly digitalisation, enhancing the digital skills and the literacy of older persons.
- Apply a person-centred and age-friendly approach to care, ensuring the greatest degree of independence, autonomy and dignity.
- Invest in and develop an integrated and unified care system in Georgia, taking into account the specific needs of older persons.
- Continue to promote sustainable investments in all health and care services, in particular to develop and continuously improve long-term and day care systems in cooperation with local authorities and other relevant stakeholders, and promote de-institutionalisation.
- Ensure the high quality of health, social and long-term care services, based on quality management, monitoring, auditing and continuous improvement in dialogue with care receivers.
- Expand protection of older persons from violence, neglect and abuse in all care settings through the adoption and effective implementation of protection and monitoring mechanisms.
- Ensure that transport and other infrastructure services are safe, reliable, accessible and user-friendly for older persons at the local level.
- Adopt policies that strengthen inter- and intra-generational cooperation and solidarity, taking into account the needs of both current and future generations, including those of returning migrants.
- Promote the integration of older persons by encouraging their active involvement in the community and by fostering intergenerational relations (e.g. through the establishment or further development of standardised active ageing centres, intergenerational

spaces to foster mutual learning and engagement between younger and older generations and volunteer activity centres).

## Thematic

### Work

- Create flexible conditions for longer and healthy working lives, ensuring inclusive labour markets and decent work for all ages.
- Continue efforts to promote lifelong training and education and establish lifelong learning opportunities and employment support tailored to older adults.
- Improve active labour market policies that respond to an ageing workforce, including tailored support for older jobseekers, enhancement of skills development and family-friendly working arrangements, as well as healthy, safe and accessible workplaces.
- Foster the creation of job opportunities for older persons (e.g. financial incentives to employers to hire older workers).
- Eliminate age barriers and age-based discrimination related to labour rights, especially in the recruitment, employment and dismissal of older workers.
- Encourage higher rates of labour force participation among older women and men.
- Accommodate the employment needs of older persons (e.g. improvements of opportunities for flexible, part-time or temporary employment).
- Step up efforts to increase opportunities for older persons to remain in the labour market, for instance, through flexible and gradual retirement formulas and by guaranteeing real access to life-long learning.
- Increase, through economic policy and incentives, employment opportunities for persons living in rural and remote areas, in particular by encouraging their distance learning and training.

### Social protection

- Adapt existing social protection systems to demographic changes and changes in family structures.
- Enhance the social protection system, including increasing the social pension amount to enable older people to live a decent and active life and participate in society.
- Ensure that financial assistance meets the basic needs of individuals, including consid-

erations for inflation and cost of living (e.g. through indexing mechanisms).

- Conduct research to better understand the impact of the TSA methodology on older persons in need of social assistance.
- Consider revising the social security system to reduce over-dependence on pensions and incentivise pensioners to work and receive pensions concurrently, if they choose to do so.
- Consider introducing allowances for single pensioners with low income and surviving spouses and other family members (e.g. by expanding the Social Package survivors' benefits to adult survivors, not just child survivors).
- Integrate human rights principles and standards throughout the design, implementation and evaluation of social pensions.
- Ensure the meaningful and effective participation of older persons and their representatives in the design, implementation and monitoring of social pensions and social assistance benefits.
- Make sure to provide accessible information (through all possible means tailored to older persons' needs and in a language they understand) about all existing benefits and services at all levels and to evaluate their availability.

### Social services and care

- Ensure the development and implementation of needs-based community services and home care provision, by considering geographical accessibility and addressing the current gaps in service provision.
- Improve the terms of employment and working conditions of nurses and social workers.
- Invest in skills and continuous training of health and social care workers in geriatric, gerontological and digital skills.
- Develop a strategic vision for long-term care, enhancing day care services, expanding the network of municipality funded standardised healthy ageing clubs for people aged 60+ and improving quality standards in residential care settings.
- Further develop and strengthen residential care tailored to the needs of older persons.
- Develop and support specialised institutions providing institutional care for older people.
- Conduct needs assessments and enhance personnel qualifications in elderly care facilities.

- Develop and approve training programmes to enhance staff qualifications in service provision, health monitoring and protection against violence and discrimination against older people.
- Implement periodic monitoring of institutions funded or co-funded by local governments.
- Establish regulations and minimum standards for all types of care institutions, irrespective of their legal form or financing.
- Implement an effective monitoring mechanism to ensure compliance with these standards.
- Ensure that private services providers adopt a rights-based approach to care and living arrangements for older persons.
- Consider increasing staff numbers in institutions and ensure the availability of essential personnel such as doctors, psychiatrists, social workers and psychologists in all facilities to provide holistic care.
- Improve mental health services availability for older persons in residential facilities and ensure regular monitoring.
- Develop nursing homes and geriatric centres to meet the specific needs of patients suffering from mental diseases (e.g. multi-disciplinary geriatric and gerontological assessment, counselling, care treatment and rehabilitation, accompanied by specific training schemes for care providers).
- Better recognise and support the important role of both formal and informal carers, particularly older women and migrants, and promote a distribution of care work that is not gender-based.
- Address the growing need for adequate and accessible palliative care services for older persons with serious health-related suffering because of severe illness (and their families), and especially of those near the end of life (from the moment of prognosis and not only during the terminal stage), through their integration into the continuum of care and support.
- Enable older persons, where possible, to have the right to choose between different options of long-term care.

## Health

- Focus on health promotion, including raising awareness, and other preventive health measures over the life course.
- Make sure that the costs associated with healthcare do not impose excessive financial burdens on older persons, thus affecting their ability to participate fully in society.
- Ensure that health services are close to older persons (e.g. through preventive home visits, regular check-ups and self-help groups for older persons who decide to stay at home).
- Integrate geriatric medicine into medical education and establish geriatric wards in hospitals to meet the healthcare needs of older patients.
- Develop, regularly update and implement national and local plans to address depression, chronic diseases and dementia, and ensure quality of life for persons with cognitive and mental impairments.

## Violence, abuse and neglect

- Undertake special nationwide research on violence and abuse against older persons, in order to better understand the situation, the causes and consequences of violence, as well as the societal attitudes towards this issue.
- Create a specific methodology and statistical reports that accurately reflect cases of violence against older individuals, categorised by gender, to improve understanding and response mechanisms.
- Make sure that national domestic violence legislation addresses all forms of violence against older persons and provides relevant support services, adequate complaint mechanisms and equal access to justice for older victims of violence.
- Establish awareness campaigns, legislative frameworks and institutional safeguards to locate and prevent the possibility of elder abuse within society at large, and specifically within welfare services.
- Consider measures to combat under-reporting of economic and psychological violence and the abuse of older persons by family members.
- Take measures to improve the situation in shelters and crisis centres for older victims of domestic violence and to enhance their adequacy and service quality.

### Independent living and housing

- Make all environments, including physical, social, technological and digital environments, more age-friendly and accessible for all.
- Elaborate and implement a national housing strategy and action plan, with particular reference to older persons.
- Increase the availability of adapted housing and assistive devices for older persons.
- Make sure that there are reasonable waiting periods for older persons to access housing options and no unreasonably long periods in temporary shelter.
- Consider establishing tax incentives and subsidies to encourage developers to build accessible and appropriate housing for older persons.
- Make concerted and intensified efforts to improve the housing and living environment of older persons in rural areas.
- Define clear duties for central and local government in enforcing housing rights for older persons.
- Establish comprehensive legislation on homelessness, addressing the situation of older persons.
- Recognise and implement the right to independent living in legislation, supporting prevention of homelessness.
- Train older persons in self-care and other areas relevant to maintaining their quality of life.
- Ensure equal access to digital technologies, devices and the Internet, as well as access to everyday services that move online.
- Ensure autonomy and ability to choose whether to use digital technologies.
- Maintain continued offline access to goods and services.
- Ensure that the social services provided to older persons promote their independent living.

### Legal capacity and autonomy

- Recognise the intersectionality between disability and ageing across different areas of everyday life.
- Identify and address obstacles older persons with disabilities face, especially in the areas of social assistance and social services.
- Ensure supported decision-making for persons with intellectual or psychosocial disabilities, including older persons, in all aspects of life.

- Adopt a national legal framework on assisted decision-making specifically for older persons.
- Make sure judges are trained on the ESC and the ECSR's work, as well as on the CRPD and other international instruments, and are guided by the objective of ensuring that older persons can lead a self-determined and autonomous life for as long as possible.
- Provide older persons with guarantees to ensure that their preferences, will and best interests are taken into consideration in all matters relevant to their life.

### Equality and non-discrimination

- Protect older persons against ageism and all forms of discrimination in all areas by adopting or strengthening the implementation of laws and other instruments at the local and national level.
- Eliminate persistent gender inequalities by addressing the different impacts of demographic change on women and men through dedicated measures.
- Ensure equal treatment of men and women in social protection systems through a better reconciliation of work and family responsibilities throughout the life cycle (e.g. special leave arrangements for working parents and other caregivers, or other supportive measures such as respite care services).
- Address the specific needs of older LGBTI people through targeted social policies and inclusive practices.
- Adapt social services to meet the needs of ethnic minorities and IDPs.

## Recommendations to the Public Defender

- Engage with and disseminate the conclusions and decisions of the ECSR on the rights of older persons.
- Promote the acceptance by Georgia of Article 23 and other non-accepted ESC provisions relevant to older persons and other vulnerable groups.
- Promote the acceptance by Georgia of the collective complaints procedure.
- Continue efforts in employing a human rights-based approach to age and social policy.
- Increase efforts to make older persons a priority in work plans.
- Continue efforts to support strategic litigation to advance the rights of older persons through the submission of constitutional appeals to the Constitutional Court and through the amicus curiae function before all Georgian courts.

## Recommendations to civil society

- Advocate for the acceptance by Georgia of the non-accepted provisions of the ESC, which are particularly relevant to older persons.
- Advocate for the ratification by Georgia of the Charter's Collective Complaints Protocol.
- Base advocacy activities on the ESC and the work of the ECSR, using a human rights-based approach to social policy considerations.
- Participate in the reporting procedure of the ESC on accepted and non-accepted provisions through providing comments to national reports.
- Advocate for the ratification by Georgia of ILO Conventions to enhance the social security and protection for older persons.
- Advocate for Georgia to ratify the optional protocols to the International Covenant on Economic, Social and Cultural Rights and to the Convention on the Rights of Persons with Disabilities.
- Advocate for the adoption of a new convention specifically addressing older persons' rights to ensure legal protection, accountability and societal recognition.
- Advocate for the inclusion of civil society in the dialogue and policy initiatives of the Georgian Government on the rights of older persons and the co-production of laws and policies.
- Advocate for the development of laws addressing ageism and inequality and their enforcement, and also help monitor the application of these laws.
- Design and deliver evidence-based educational programmes and intergenerational activities to tackle ageism.
- Seek and establish collaboration between organisations working on age-related issues and youth organisations to encourage intergenerational activities and collaborations.
- Build the capacity of older adults to advocate for and monitor the implementation of laws and strengthen their participation in these activities.
- Produce evidence, in collaboration with research institutions, of the lived experiences of older persons.
- Advocate for the adoption and effective implementation of healthy and active ageing policies and programmes.
- Engage in strategic litigation to protect and promote the rights of older persons.

## Recommendations to academia and research bodies

- Produce evidence, in collaboration with civil society, of the lived experiences of older persons.
- Revitalise gerontological research to address the social and economic challenges related to ageing.
- Design and deliver evidence-based educational programmes and intergenerational activities to tackle ageism.
- Engage with and disseminate the conclusions and the collective complaint decisions of the ECSR on the rights of older persons.
- Adopt a human rights-based approach to ageing and social policy.

## Recommendations to development aid agencies

- Assist Georgia in implementing international instruments and policies related to older persons.
- Identify and help revise existing ageist policies and practices.
- Support civil society organisations and research bodies working on the rights of older persons.

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The European Social Charter, adopted in 1961 and revised in 1996, is the counterpart of the European Convention on Human Rights in the field of economic and social rights. It guarantees a broad range of human rights related to employment, housing, health, education, social protection and welfare.

No other legal instrument at pan-European level provides such an extensive and complete protection of social rights as that provided by the Charter.

The Charter is therefore seen as the Social Constitution of Europe and represents an essential component of the continent's human rights architecture.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.



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