



Alternative Report on the Replies of Georgia to the List of Issues in Relation to its Initial Report

Public Defender's Office of Georgia
for the 28th Session of the Committee on the Rights of Persons with Disabilities

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Introduction

1. The present report of the Public Defender of Georgia (hereinafter PDO) evaluates the implementation of the Convention on the Rights of Persons with Disabilities by the government of Georgia. In particular, it provides alternative assessment of the process of enforcement of the Convention and comments on some of the measures mentioned in the Replies of Georgia to the list of issues in relation to its initial report.
2. The PDO is an "A" status national human rights institution, which supervises the protection of human rights and freedoms within its jurisdiction on the territory of Georgia. The PDO has been appointed as the independent mechanism for monitoring, promoting, and protecting the implementation of the CRPD in Georgia in accordance with the article 33(2) of the Convention. The PDO also performs the function of the National Preventive Mechanism under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and is designated as anti-discrimination mechanism by the Law of Georgia on elimination of all forms of discrimination. The PDO publishes annual parliamentary reports concerning the human rights situation in Georgia along with periodic special reports on specific areas, including disability area.

A. Purpose and general obligations (Articles 1-4)

3. Despite the adoption of the Law of Georgia on the Rights of Persons with Disabilities, numerous challenges remain in practice. This is to some extent due to the fact that the deadlines determined by Law for the fulfillment of certain obligations are quite long and cannot provide timely solutions to the systemic problems faced by persons with disabilities. Efforts by the State to ensure equal, full and effective participation of persons with disabilities and organizations working on their rights in the development of the named Law¹ were also insufficient.
4. Although the plan of measures to be implemented for the introduction of a biopsychosocial model of determining the disability status should have been approved by January 1, 2023,² this has not been done so far. The piloting of the biopsychosocial model began in 2019³ and was conducted in three phases.⁴ It was identified that the data collected during the earlier stages of the piloting required more

¹ Public Statement of the Public Defender of Georgia, available at: <https://bit.ly/3Ho6UuZ>

² Article 37 of the Law of Georgia on the Rights of Persons with Disabilities.

³ By the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs, in cooperation with the United Nations Children's Fund and the Georgian Association of Social Workers; Expertise France - an international organization - joined the piloting in 2020.

⁴ 2019-2020 - A/R of Adjara - Piloting multidisciplinary approach, assessment tools and training of new specialists in 6 medical institutions. Availability of a wide range of support services for persons with disabilities and assessment of their impact. 2020-2021 - Samtskhe-Javakheti region; Purpose of piloting: Provision of a modified approach of new specialists (functional assessment, case management and social profile assessment by one

information for evaluation and decision-making in relation to certain groups.⁵ It should be emphasized that until now there has been no transition to biopsychosocial assessment system across the country.

5. Despite the relevant obligation, no long-term strategy for 2021-2035 and a separate action plan for the protection of the rights of persons with disabilities have been developed.⁶ 14 of the 16 responsible administrative bodies have approved the annual action plan determined by Law.⁷ The general human rights State strategy for 2022-2030 was also developed late and does not sufficiently reflect the rights situation of persons with disabilities.⁸

6. The participation of persons with disabilities and their organizations in the development of annual plans approved by local self-governments and administrative bodies was not properly ensured. Only 28 municipalities (out of 64) considered the legal requirement to ensure the participation of persons with disabilities in the process. In turn, the lack of participation led to the fragmentation and scarcity of the tasks/activities provided for in the documents.⁹

B. Specific Rights

Equality and non-discrimination (Article 5)

7. Although the new Law on the Rights of Persons with Disabilities introduces a shift to biopsychosocial model, the deadlines set by the transitional provisions do not provide a timely solution to the systemic challenges identified again in the recent reporting periods.¹⁰ Until the medical model is replaced, it is

specialist) and conduct of a process considering the needs of ethnic minorities in 3 medical institutions; Scarcity of professional staff and support services for persons with disabilities. 2021-2022 - selection of 6 medical institutions in Tbilisi for data validation of specific target groups.

⁵ Among them are: persons with mental health problems and intellectual development disorders, persons with hearing and vision impairments, persons/children with oncological diseases.

⁶ Article 37 (1) (a) of the Law of Georgia on the Rights of Persons with Disabilities determines the obligation of the Government of Georgia to develop and approve a strategy and an annual action plan for 2021-2035.

⁷ The annual action plan has not been approved by the Government of Georgia, the Ministry of Culture, Sports and Youth of Georgia or the Parliament of Georgia.

⁸ The general strategy does not cover important issues in the direction of persons with disabilities, such as: specific directions of realization of accessibility; increased participation of persons with disabilities in sports, cultural and recreational activities and production of statistics on persons with disabilities; capacity reform implementation measures. In addition, it is not clear specifically what is meant under promotion of independent living.

⁹ Which cannot fully respond to the challenges that exist in local self-governing bodies in the direction of the rights of persons with disabilities. The information is based on the Public Defender's analysis of the official data received from the administrative bodies and municipalities.

¹⁰ For example, children with Down syndrome and autism face problems in determining their disability status, as the relevant normative acts do not include the Down syndrome in the list of nosologies (2021 Special Report of the Public Defender of Georgia on the Situation of Equality and Combating and Preventing Discrimination, pp. 15-16, available at: <<https://bit.ly/3wmCX8d>>); Moreover, in 2022, it was found that in determining the disability status, the authorized medical institutions are guided by the Order according to which, after evaluation, the medical documents of all persons with severe disabilities shall indicate that they are "incapable of work" (short summary of the case available at: <<https://bit.ly/3XLfbyZ>>); In addition, the Public Defender of Georgia revealed

necessary to consider individual needs of persons with disabilities when providing relevant services. It was also revealed that certain public and private agencies misunderstand the essence of the reform relating to the notion of legal capacity and apply additional requirements outside the limits of the support defined by courts.¹¹

8. The cases reviewed by the Public Defender of Georgia clearly indicate that it is particularly important to assist relevant institutions in identifying the elements of denial of reasonable accommodation, as this form of discrimination is relatively new in Georgian legislation. To this end, the Public Defender applied to Tbilisi City Court with the opinion of the friend of the court (amicus curiae brief) in 2022.¹² As the practice shows, fulfillment of the obligation of reasonable accommodation is particularly problematic in access to education.¹³

9. The recent case-law suggests that applying accessibility standards in practice is problematic, since the universal design has not been properly implemented during the most recent works of street rehabilitation.¹⁴

Women with disabilities (Article 6)

10. Gender inequality in the country has a particularly heavy impact on the rights situation of women and girls with disabilities and makes them vulnerable. State policies relating to violence against women and domestic violence are often not inclusive and do not take into account the needs of women with disabilities. It is especially problematic to detect sexual or other types of violence against women with psychosocial needs and to administer effective justice.¹⁵

11. Problems in the aforesaid area include lack of physical accessibility to judicial bodies, negative and stereotypical attitude of people working in the justice system towards women/girls with disabilities, lack of information among women with disabilities about their rights, lack of communication skills and

discriminatory practices in the areas of health care and social security on several occasions, for instance, in 2021, a person with disability was not reimbursed for the medical service that was funded by the State for persons with severe disabilities (short summary of the case available at: <<https://bit.ly/3QZTKY3>>).

¹¹ For example, see short summary of the case in which a notary required a person with disability status to submit a medical certificate as a prerequisite for engaging in notarial activity, available at: <<https://bit.ly/3XwMtkX>>

¹² Short summary of the case available at: <<https://bit.ly/3Hpeju4>>

¹³ 2020 Special Report of the Public Defender of Georgia on the Situation of Equality and Combating and Preventing Discrimination, pp. 19-20, available at: <<https://bit.ly/3H3COve>>; 2021 Special Report of the Public Defender of Georgia on the Situation of Equality and Combating and Preventing Discrimination, p. 17, available at: <<https://bit.ly/3wmCX8d>>

¹⁴ More detailed information will be provided in upcoming Special Report on the Situation of Equality which will be available by the beginning of March at: <<https://bit.ly/3R1BqOl>>

¹⁵ The Public Defender of Georgia, Special Report on Assessment of the Needs of Women and Girls with Disabilities and Protection of Their Rights in Georgia, page 5, available at: <<https://bit.ly/3vrZuzP>>

evidence collection practices in the justice system, danger of secondary victimization, absence of segregated statistics, lack of support services, etc.¹⁶

12. Protection of reproductive and sexual health and rights of women with disabilities faces serious challenges. Difficulties in accessing the infrastructure of medical facilities and medical manipulations, the attitudes of people working in these institutions and their inadequate preparedness often lead to degrading treatment of women with disabilities.¹⁷ Particularly vulnerable groups in this respect are persons with mental health problems and representatives of the LGBTQ+ community.¹⁸ In relation to women with disabilities, the Public Defender has called on the relevant Ministry to systemically analyze the needs of pregnant women with disabilities and develop an action plan and guidelines to meet their needs.¹⁹

13. Despite the special importance of the right to participate in political and public life, the social, economic and infrastructural barriers faced by women with disabilities exclude them from the ongoing public and political processes. The statistics also show the lack of participation of women in political and public life in Georgia. In particular, women made up 15% of the Members of Parliament and 13.4% of the Deputies of the Sakrebulo (legislative body at the local government level) according to the data of 2021.²⁰

Children with disabilities (Article 7)

14. The rights situation of children living in poverty, insufficient targeted services to meet their needs and ineffectiveness of existing services are serious challenges. Despite the growing trend of child poverty from year to year, the State has not yet developed an effective mechanism to reduce it.²¹ Although poverty has a particularly heavy impact on children with disabilities, there are no statistics on socially vulnerable children with disabilities.

15. Despite the introduction of a mandatory child protection referral mechanism,²² coordinated work between state agencies, proper functioning of the referral procedure and implementation of preventive

¹⁶ Ibid., pages 4-5.

¹⁷ For detailed information, see the comment on the right to health (Article 25).

¹⁸ The Public Defender of Georgia, Special Report on Assessment of the Needs of Women and Girls with Disabilities and Protection of Their Rights in Georgia, pages 6-7, available at: <<https://bit.ly/3vrZuzP>>

¹⁹ Summaries of the cases are available at: <<https://bit.ly/3ZZh3Wm>>; <<https://bit.ly/3ZXoQUe>>; See also: 2021 Special Report of the Public Defender of Georgia on the Situation of Equality and Combating and Preventing Discrimination, pp. 16-17, 51 available at: <<https://bit.ly/3wmCX8d>>

²⁰ The Public Defender of Georgia, Special Report on Assessment of the Needs of Women and Girls with Disabilities and Protection of Their Rights in Georgia, page 32, available at: <<https://bit.ly/3vrZuzP>>

²¹ 2021 report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, page 212, available at: <bit.ly/3vqG6Di>

²² On 12 September 2016 the Government adopted new child protection (referral) procedures, which extended the list of entities responsible to refer the child violence cases, including human trafficking, to relevant agencies.

measures remain problematic.²³ There are shortcomings in detection of cases of violence against children in practice. In rural communities, due to close social relations, educational institutions often refrain from filling out the appropriate application forms. The bodies responsible for the prevention of violence have insufficient knowledge about the peculiarities of identifying and referring the cases of violence.

16. One of the main challenges in the implementation of state programmes for social rehabilitation and childcare is insufficient geographic coverage.²⁴ There is no approved programme for children with autism at the central level, which would take into account the needs of this group. Such a programme is only available in the central cities of a few municipalities and not everyone has access to it.

17. The planning of social rehabilitation and childcare programme is not based on the research of needs of persons (including children) with disabilities. Although its funding has increased over the past decade,²⁵ this increase has not impacted the quality of services. The number of children with disabilities enrolled in the early development sub-programme has not increased substantially.²⁶

18. The closure of specialized large-scale institutions for children with disabilities was completed in 2022.²⁷ Deinstitutionalization of children's institutions remains a problem, affecting children with disabilities living in institutions. In particular, despite the violations detected (such as: corporal punishment, degrading treatment, sexual abuse, etc.), the process of deinstitutionalization has not been completed in the N(N)LE Javakheti Ninotsminda St. Nino Boarding School.²⁸

Awareness-raising (Article 8)

19. There is a lack of large-scale information campaigns that would address the discriminatory attitudes and stigma against persons with disabilities in the community.²⁹ The low awareness and stereotypical attitudes of professionals working in different fields are also problematic. The low qualifications of school staff in terms of inclusive education and challenging behavior management are particularly

²³ 2021 report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, page 122, available at: bit.ly/3vqG6Di

²⁴ Special Report of the Public Defender of Georgia, Analysis of the 2018-2020 State Programmes for Social Rehabilitation and Childcare, page 5, available at: < <https://bit.ly/3IaEOEb>>

²⁵ GEL 35,890,000 was allocated for the programme in 2019, GEL 37,400,000 in 2020, GEL 40,000,000 in 2021, *ibid.*, page 7.

²⁶ In 2018, the number of children planned by the programme was 1,150 (per month), and the average number of beneficiaries was 961; 1.300 and 1.128 in 2019; 2.062 and 1.397 in 2020 respectively.

²⁷ Kojori Orphanage was closed in 2021 and Tbilisi Infant House was closed in 2022.

²⁸ Special report of the Public Defender of Georgia on the Rights Situation of Beneficiaries of NNLE Javakheti Ninotsminda St. Nino Boarding School, available at: < <https://bit.ly/3WOLKuU>>

²⁹ Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia in 2019, available at: <https://bit.ly/3ZwpxDR>

noteworthy.³⁰ Attitudes of persons employed in the law enforcement bodies and the Prosecutor's Office towards persons with intellectual and psychosocial needs are also concerning.³¹

20. Measures to eliminate stigma towards persons with mental health problems and psychosocial needs are insufficient. The Mental Health Development Strategy 2022-2030 does not include an awareness-raising component. The goal set by the Mental Health Development Strategy 2015-2020 to develop long-term and short-term strategies for raising awareness of mental health has not been fulfilled.

Accessibility (Article 9)

21. Despite the changes made to the Code of Spatial Planning, Architectural and Construction Activities and the Code of Administrative Offenses of Georgia in 2019, the implementation of the amendments in practice and the use of liability measures by the relevant bodies of local self-governments remain problematic.

22. National Accessibility Standards are not effectively enforced.³² Until now, no national accessibility plan has been developed³³ and no active information campaign about obligations provided by the technical regulations has been conducted. Accordingly, there is little knowledge about the elements of the Technical Regulations - National Accessibility Standards among the relevant municipal services as well as public and private service providers.

23. Lack of access to the already existing buildings remains a special challenge for persons with disabilities. Needs in terms of physical accessibility at both central and municipal levels are unexplored. It should be emphasized that, for the most part, only the interests of persons with mobility difficulties are considered during the planning of the adaptation process of public buildings.³⁴ Cases of discrimination have been identified in terms of access to public facilities and services, including bank branches, notary bureaus, National Forensics Bureau, etc.³⁵

³⁰ Special Report of the Public Defender of Georgia on Inclusive Education in Pilot Public Schools, available at: <https://bit.ly/3uZflag>

³¹ Despite the development of standards for working with witnesses, victims and defendants with disabilities, information provided by persons with mental health problems is ignored from the very stage of interviewing, due to the diagnoses of these persons, without an appropriate assessment.

³² Decree of the Government of Georgia of December 4, 2020 on the Approval of Technical Regulations - National Accessibility Standards, available at: <https://bit.ly/3ZQV1F6>

³³ Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia in 2021, available at: <https://bit.ly/3Kn5xwk>

³⁴ There is a different approach to the needs of persons with sensory impairments and intellectual disabilities. Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia in 2019, available at: <https://bit.ly/3CB7bsA>

³⁵ For detailed information, see: Public Defender's general proposal on preventing and combating discrimination, 2020, available at: <https://bit.ly/3KodsIU>; Public Defender's recommendation on establishing indirect discrimination on the ground of disability, 2018; available at: <https://bit.ly/3AoRJgm>; Public Defender's recommendation on establishing indirect discrimination on the ground of disability, 2018; available at:

24. Lack of access to information and means of communication, websites of various services, mobile applications and services remains a serious challenge for persons with disabilities.³⁶

Right to life (Article 10)

25. It should be noted that after the reform of the Legal Capacity system, no substantial changes have been made to the Law of Georgia on Health Care or the Statute of the Medical Ethics Commission.³⁷ Accordingly, they do not specify the powers of the person providing support-to the person recognized as a support recipient do not indicate the importance of differentiating between the areas in which support recipient needs support or do not determine/stipulate the priority of enabling a support recipient to make the relevant decision independently, with proper support.

26. In addition to the fact that the current arrangement is vague and needs more specification, there are also obvious terminological gaps. In turn, the imperfect regulation, together with insufficient awareness of the medical personnel about the rights of persons with disabilities, lack of correct approaches and of appropriate standards of communication, creates a threat of automatic substitution of the will of the support recipient.³⁸

Situations of risk and humanitarian emergencies (Article 11)

27. The State's anti-crisis plans during the Covid-19 pandemic did not adequately address the needs of people with disabilities. In this regard, the Public Defender found that the Government's anti-crisis action plan needed to be reviewed/amended.³⁹ Additional barriers were created by the restriction of public transport, non-adapted medical services, the lack of a flexible system for priority testing of persons with disabilities, and the suspension of targeted rehabilitation programmes (face-to-face rehabilitation/therapy), risking to lose the positive outcomes reached.⁴⁰

28. During the Covid-19 pandemic, various restrictions imposed to prevent the virus has had a negative impact on the human rights situation of persons with disabilities, and has threatened the (effectiveness of)

<https://bit.ly/3Rh2Izn>; General proposal of December 21, 2021 to Levan Samkharauli National Forensics Bureau, available at: <<https://bit.ly/3LNEXP>>

³⁶ It should be noted that until now Georgia has not adopted relevant legal or regulatory components harmonized with the European Union approach, the Online Usability and Web Accessibility Standard (including the WCAG standard, level AA) has not been introduced into all agencies. The Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in 2021, available at: <https://bit.ly/3Kn5xwk>

³⁷ Chapter 5 of the Statute of the Medical Ethics Commission, which concerns the activities of the Medical Ethics Commission, reads: "If the patient is incapacitated, and his/her legal representative (relatives) does not care about making a decision beneficial to the patient, the commission is authorized to consider the case without their consent and participation."

³⁸ Accordingly, it is necessary to take all measures (both legislative, administrative and awareness-raising) in order to strengthen preventive guarantees.

³⁹ See the full statement at: <<https://bit.ly/3KxW5pZ>>

⁴⁰ 2021 Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, pages 299-300, available at: <<https://bit.ly/3QWwyta>>

provision of necessary care and rehabilitation services under the state program on Social Rehabilitation and Child Care. In some cases, remote provision of social rehabilitation and child care service was not effective because it could not ensure proper provision of service due to the specific characteristics of the service. Inaccessibility of the remote service, due to lack of internet access and of appropriate technical means (computer, telephone)/lack of knowledge of their use, became a serious challenge for many beneficiaries. In some cases, it was impossible to manage the service remotely for certain disability types and the specific characteristics of the service which resulted in exclusion of certain circles of persons/children with disabilities from the necessary services for months and created a real risk of losing the results already achieved.⁴¹

30. The Public Defender welcomed the approval of the guidelines for the management of patients receiving psychiatric services for their safe treatment during Covid-19. However, its implementation in practice has become a problem. Most of the staff employed at psychiatric institutions were not familiar with the guidelines. In addition, the flawed infrastructure of some of the facilities does not allow to follow the established rules to prevent the virus. The overcrowded inpatient psychiatric facilities make it impossible to fully adhere to the rules of preventing the virus.⁴²

Equal recognition before the law (Article 12)

31. The rights situation of support recipients⁴³ has not significantly improved.⁴⁴ Their inadequate participation in court sessions and the practice of appointing temporary support remain problematic.⁴⁵ In addition, Forensic Bureau expert reports are still regarded as the only evidence relating to the areas and scope of support. The procedural deadlines for the appointment of support are also increasingly violated. As a result, these shortcomings causes the interests of support recipients to be neglected.⁴⁶

32. The monitoring of the legal capacity system⁴⁷ revealed a number of institutional and practical barriers, including: lack of examination of issues of capacity, insufficient reasoning in court decisions, lack of identification of the real needs of the support recipient and of proper determination of the scope

⁴¹ In the summer of 2022, the Public Defender's Office submitted a report to the Office of the United Nations High Commissioner for Human Rights, which contained, among other things, the aforementioned information.

⁴² Online Conference - Providing Mental Health Services during Covid-19 Pandemic, available at: <<https://bit.ly/3R18tBc>>

⁴³ Support recipients are those, who have supporters appointed by the court based on legal capacity reform.

⁴⁴ The recommendations issued by the Public Defender of Georgia within the framework of a study conducted in 2016 - "Legal Capacity - Reform without Implementation" - are still relevant, the study/report is available at: <<https://bit.ly/3YcycdH>>

⁴⁵ In particular, in some cases, this process may continue for several years.

⁴⁶ Authors of the Research: Mariam Janiashvili, Nana Gochiashvili, Ketevan Gigineishvili, Ketevan Pilauri, Nino Tabidze. ASSESSMENT OF THE LEGAL CAPACITY REFORM - Legislation and Practice. Pages 42-47 Available at: <<https://bit.ly/3HkOYS3>>

⁴⁷ Mariam Janiashvili, Nana Gochiashvili, Ketevan Gigineishvili, Ketevan Pilauri, Nino Tabidze, Assessment of the Legal Capacity Reform - Legislation and Practice, available at: <<https://bit.ly/3HkOYS3>>

of support that is necessary for the effective use of a specific right,⁴⁸ lack of effective supervision of specific cases, scarcity of human resources in the guardianship and state care body and overloading of social workers. It should be noted that a report is currently being drawn up on the study carried out by the Public Defender's Office for the purpose of evaluating the support system in 2022 and the problems identified in the mentioned direction will be discussed in it in detail.

Access to justice (Article 13)

33. Access to justice for persons with disabilities is related to systemic problems. Barriers relating to referrals, infrastructural arrangement and communication are the basic challenges.⁴⁹

34. Access to physical environment is problematic in case of the buildings of the police, Prosecutor's Office and courts, as well as free state legal aid and notary offices.⁵⁰ Only a few court buildings are accessible to persons with physical disabilities, however, none of them is accessible to persons with sensory disabilities. Most of the facilities, where ramps are installed, do not meet the universal design requirements. The vast majority of court buildings are not provided with accessible municipal transport or accessible bus stops. The lack of information boards, directional signs and tactile maps in the courts is also a problem. The expert and witness stands do not meet the standard of accessibility either.⁵¹

35. It is also a challenge that the employees of the investigative bodies, most of the time, question the reliability of testimonies given to the investigation by persons with mental health problems and/or intellectual disabilities. Such stereotypical attitudes often become the basis for persons with disabilities to refuse protection of their rights.⁵²

Liberty and security of person (Article 14)

36. The measures taken to realize the rights of persons with disabilities in the penitentiary system are insufficient. The lack of accessibility of the physical environment of penitentiary institutions is problematic, both in terms of entry to the institutions and access to specific spaces (e.g., meeting rooms) for prisoners with disabilities and their family members. This grossly violates the rights of persons with

⁴⁸ In particular, a broad psycho-social examination of a person and not an assessment of his/her difficulties in making decisions in various areas is carried out based on the vague request stated in the application for recognition of a person as a recipient of support. It should also be noted that the court, in most cases, does not ask the Expertise Bureau to make an assessment in the context of the realization of a specific right.

⁴⁹ Special Report of the Public Defender of Georgia on Assessment of the Needs of Women and Girls with Disabilities and Protection of Their Rights in Georgia, available at: < <https://bit.ly/3vrZuzP> >

⁵⁰ Ibid., page 10.

⁵¹ Accessibility to Court Buildings for Persons with Disabilities, Partnership for Human Rights (PHR), Council of Europe, 2019, page 13; available at: < <https://bit.ly/32RErMh> >

⁵² Special Report of the Public Defender of Georgia on Assessment of the Needs of Women and Girls with Disabilities and Protection of Their Rights in Georgia, page 11, available at < <https://bit.ly/3vrZuzP> >

disabilities and can create barriers in the process of communication with the lawyer. This is also disruptive for the monitoring purposes.⁵³

37. There are special difficulties in terms of preparing children with disabilities placed in state care to live independently. Most of the time, children with disabilities leave State Care System completely unprepared and remain without proper support.⁵⁴ There are difficulties in ensuring general and vocational education and employment for young people who have lived under the state care, and those with disabilities are even more vulnerable under this group.⁵⁵

38. The relevant components of the State Programme for Social Rehabilitation and Childcare fail to consider children with challenging behavior and mental health problems as target groups and to provide necessary services to them.⁵⁶ Often parents are not able to manage their child's behavior and after the situation escalates, it becomes necessary to place the child in a psychiatric institution. No psychosocial rehabilitation of patients is ensured during the treatment process or at the subsequent stage.⁵⁷

Freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 15)

39. The use of deception, intimidation and pressure to obtain consent from patients⁵⁸ after being admitted to a psychiatric institution in order to avoid the necessary procedures for involuntary inpatient psychiatric care⁵⁹ is a negative practice. Consequently, voluntary psychiatric treatment largely fails to meet its real purpose.

⁵³ Due to faulty adaptation, the accessibility expert of the Public Defender's Office, who is using a wheelchair, could not enter Penitentiary Establishment No 18. In particular, on March 5, 2021, within the framework of individual case study, the representatives of the Public Defender (an employee of the Office and accessibility expert) visited Penitentiary Establishment No 18, however, the expert, who is using a wheelchair, could not enter the building.

⁵⁴ If reintegration of the beneficiary of a small group home into the biological family is not considered appropriate until reaching adulthood, his/her return to the family after the age of 18 may be associated with risks of poverty and violence. As a result, the beneficiary, after reaching adulthood, may face the same problem, due to which he/she was placed in a small group home.

⁵⁵ Special Report of the Public Defender: Monitoring of Childcare System - Effectiveness of Alternative Care, 2019, available at: <<https://bit.ly/3H18yxj>>

⁵⁶ Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia in 2019, available at: <<https://bit.ly/3ZwpXDR>>

⁵⁷ Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia in 2018, available at: <<https://bit.ly/3XAUjtZ>>

⁵⁸ See the comment on Article 14.

⁵⁹ According to the national legislation, involuntary preliminary placement of a patient in a hospital shall be made by the decision of the doctor on duty. Within 24 hours after hospitalization, the commission of psychiatrists shall examine the mental state of the patient and make a decision on involuntary inpatient psychiatric care. If the commission concludes that involuntary inpatient psychiatric care is necessary, the administration of the

40. Mechanical restraint and rapid tranquilization of the patient, which is essentially a chemical restraint, are still used in psychiatric institutions to manage the behavior of agitated or aggressive patients.⁶⁰ Mechanical restraint is used in all facilities, however, not all of the cases are documented in accordance with the relevant legislation. There have also been cases of joint/simultaneous use of various restraint methods.⁶¹

41. It is problematic to properly document the use of restraint methods, including the use of maximum durations without proper reasoning. In some cases, the documentation available in psychiatric institutions does not indicate who is carrying out the restraint, by what means and in what place. Patients often report that the restraint process involves other patients along with the security staff, which is contrary to the rights-based approach.⁶²

Freedom from exploitation, violence and abuse (Article 16)

42. Despite the fact that shelters and crisis centers for victims of domestic violence and trafficking are operating in 6 cities at this stage, the number of women with disabilities is very low there due to the inaccessible infrastructure. Shelters are partially adapted for people using wheelchairs. However, the space is not adapted for people with other disabilities.⁶³

43. Due to the inaccessibility of the physical environment of investigative agencies, women with disabilities have no opportunity to move independently in the building or participate in investigative activities on an equal basis with others. This is why state agencies often resort to alternative means of interviewing women and girls with disabilities, who are victims of violence. For example, it is a common practice to interview them at home or in an alternative space.⁶⁴

44. Professionals involved in the justice system often demonstrate stereotypical, negative attitudes towards women and girls with disabilities. Due to this, and lack of sufficient services, women with disabilities often avoid applying to the law enforcement agencies and requesting investigation of cases of violence committed against them.

45. The investigations of crimes of sexual abuse against women and girls with disabilities are faulty and often delayed. The problem is further exacerbated when violence is committed against women with mental health problems. In case of violence committed against women and girls with disabilities,

psychiatric institution shall apply to the court for the issuance of an appropriate order for the involuntary psychiatric care of the patient within 48 hours after hospitalization.

⁶⁰ 2021 Report of the National Preventive Mechanism, available at: < <https://bit.ly/3XNuDtR> >

⁶¹ Ibid., page 105.

⁶² In mental health institutions, in order to correct patients' behavior, chemical restraint is used in combination with mechanical and/or manual restraint. In order to quickly tranquilize patients undergoing treatment, medical personnel use several drugs at the same time.

⁶³ 2021 Report of the National Preventive Mechanism, page 107, available at: < <https://bit.ly/3XNuDtR> >

⁶⁴ Special Report of the Public Defender of Georgia: Assessment of the Needs of Women and Girls with Disabilities and Protection of Their Rights in Georgia, page 13, available at: < <https://bit.ly/3vrZuzP> >

collecting evidence also poses a difficulty, because investigators do not have the proper knowledge of the peculiarities of obtaining evidence and communicating with women with disabilities.⁶⁵

Living independently and being included in the community (Article 19)

46. The Government approved a deinstitutionalization strategy for persons with disabilities in February, 2023. However, the activities aimed at deinstitutionalization were carried out in a fragmented manner, without an appropriate strategy or action plan in 2021-2022.

47. It is worth noting that in the large-scale institutions for persons with disabilities operating in the country, beneficiaries live segregated and excluded from the community for a long period of time, often until the end of their lives. Institutional upbringing, lack of inclusive care and necessary educational-rehabilitation services lead to the formation of the syndrome of dependence on the institution and inadequate participation in public life, and reduce the opportunities for independent living.⁶⁶ Efforts aimed at developing skills necessary for living independently are fragmented and untargeted.⁶⁷ At the same time, due to the scarcity of community organizations, lack of social housing and home care services, beneficiaries are still in a discriminatory situation.⁶⁸

Personal mobility (Article 20)

48. The provision of assistive devices is determined by the State Programme for Social Rehabilitation and Childcare, intended for persons with reduced mobility. The relevant components of the sub program on assistive devices of the aforesaid State Programme are not based on statistical data or needs of the specific group.⁶⁹ For this reason, there is a difference between the budget approved and the actual expenditure.⁷⁰

49. In addition, it is important to finance all categories of wheelchairs and services,⁷¹ while wheelchair-provision services should in practice comply with the principles of the World Health Organization.⁷²

⁶⁵ Ibid., page 5.

⁶⁶ Ibid., page 6.

⁶⁷ Special Report of the Public Defender - Monitoring Report on Specialized Institutions for Children/Persons with Disabilities, 2021. p. 6, available at: < <https://bit.ly/3ZXR0yw> >

⁶⁸ Ibid., p. 23.

⁶⁹ Ibid., p. 42.

⁷⁰ The amount of unspent money in 2018 was 1,599,200, in 2019 - 4,097,400, in 2020 - 4,912,632. Report of the Public Defender of Georgia - Analysis of the 2018-2020 State Programmes for Social Rehabilitation and Childcare, 2021, page 45, available at: < <https://bit.ly/3Y2kM3F> >

⁷¹ Basic, intermediate and high. See the Report of the Public Defender of Georgia - Analysis of the 2018-2020 State Programmes for Social Rehabilitation and Childcare, 2021, pages 27-30, available at: < <https://bit.ly/3Y2kM3F> >

⁷² According to which, wheelchair services should include the assessment of individual user needs, assistance in selecting an appropriate wheelchair, on-site delivery, training for users, and assessment of the use of wheelchairs.

Freedom of expression and opinion, and access to information (Article 21)

50. As no information accessibility standard has been created so far,⁷³ persons with disabilities are prevented from receiving complete and quality information in an understandable form (in contravention of the Online Usability and Web Accessibility Standard). In addition, no effective state monitoring is carried out in this direction.⁷⁴

51. According to the communication promotion sub-programme for the deaf,⁷⁵ deaf people should be informed about various services provided by the State and communication necessary to receive services in public institutions should be facilitated through sign language interpreters. However, it is impossible to achieve these goals with very limited resources of sign language interpreters. Low wages of specialists (on average, GEL 350) is also worth emphasizing, especially considering that the necessary transportation costs are not covered.⁷⁶

Education (Article 24)

52. Despite the steps taken, implementation of inclusive education still faces many challenges.⁷⁷

53. The Ministry of Education and Science of Georgia does not have complete information about children with disabilities involved in preschool education.⁷⁸ No in-depth study of the needs of children with disabilities has been conducted in the municipalities. The accessibility of the infrastructure of kindergartens, which is mostly limited to installation of ramps, is also a problem. The regional distribution of specialists (special teacher, psychologist, speech therapist, etc.) is insufficient and most of them are concentrated in Tbilisi.

54. The number of children with disabilities remaining outside formal education remains problematic.⁷⁹ Problems in public schools include: lack of appropriate mechanisms for protecting children from violence and managing their challenging behavior, inaccessibility of external and internal

Guidelines on the Provision of Manual Wheelchairs in Less Resourced Settings, available at: <<https://bit.ly/3J6xHgB>>

⁷³ See also the comment on Article 9 (Accessibility).

⁷⁴ W3C WCAG is a web accessibility standard. For detailed information, see: Web Accessibility for Persons with Disabilities in Georgia: Current Situation and International Best Practices, Morten Meyerhoff Nielsen, UNU-EGOV, 2021, part 3.1, 18-19, available at: <<https://bit.ly/3pJT64v>>

⁷⁵ A sub-programme provided by the State Programme for Social Rehabilitation and Childcare.

⁷⁶ Report of the Public Defender of Georgia - Analysis of the 2018-2020 State Programmes for Social Rehabilitation and Childcare, 2021, pages 38-39, available at: <<https://bit.ly/3J6xHgB>>

⁷⁷ For detailed information, see: 2021 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, pp. 222-225, available at: <<https://bit.ly/3wlnOPx>>

⁷⁸ As of December 2021, data were available only on school-age (over 6 years) children with disabilities (167 children) involved in preschool education at this stage.

⁷⁹ As of August 10, 2022, there were 611 children with disabilities out of school. Correspondence of the Ministry of Education and Science of Georgia: MES 9 23 0000092035-30.01.2023.

infrastructure/unavailability of educational resources, inadequate qualifications of school staff, insufficient number of inclusive education specialists and their inappropriate remuneration, lack of effectiveness of external and internal monitoring system of institutions, incomplete involvement of children with special educational needs in the internal activities of the school.⁸⁰ As for the events planned outside school (e.g. excursions), the unequal involvement of children with behavioral difficulties and wheelchair users⁸¹ is particularly acute.

55. The problems at the national level have become even more visible after shifting to remote learning system due to the Covid-19 pandemic. The Ministry has not conducted an in-depth study to reveal the shortcomings in the remote education of children with disabilities in resource schools. As a result of the periodic supervision carried out by the multidisciplinary team, it was revealed that the involvement in the remote learning process was mainly hindered by: lack of Internet or its insufficient frequency, lack of appropriate technical means and passivity of parents. Problems were also identified in terms of involvement in online learning due to the complexity of children's disability.⁸²

56. It should be noted that only 31 out of 90 institutions implementing vocational programmes have allocated specialists supporting students with disabilities/special educational needs. Inaccessibility of the infrastructure of the institutions is also a challenge. Despite the fact that there are 66 vocational institutions/colleges operating in Georgia, only 4 of them are designed according to the universal design principles.⁸³

57. In 2021, only 54 out of 483 persons with disabilities/special educational needs, who had graduated from high school, were enrolled in higher educational institutions. Nevertheless, the hindering factors that prevent persons with disabilities from continuing their studies in higher education institutions after completing the general level have not been studied. It should be noted that in 2021, the Public Defender addressed the Ministry of Education and Science of Georgia and the National Assessment and Examinations Center with a general proposal relating to the fulfilment of the obligation of reasonable accommodation for students with disabilities.⁸⁴

⁸⁰ Special Report of the Public Defender of Georgia on Inclusive Education in Pilot Public Schools, available at: <<https://bit.ly/3uZf1ag>>

⁸¹ Due to lack of adapted transport.

⁸² Regarding the involvement, it should be noted that out of 540 students of boarding schools, 528 students were involved in the remote learning process; no contact could be established with 12 students (students with severe intellectual and multiple disabilities); consultations were provided to the families of 5 of them.

⁸³ 2021 report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, available at: <<https://bit.ly/3wln0Px>>

⁸⁴ The general proposal mentions that it is necessary to introduce a procedure of individual, comprehensive communication with persons with disabilities and to determine the measures that will adequately respond to the special needs of the person concerned in each specific case. The general proposal is available at: <<https://bit.ly/3FC2caJ>>

Health (Article 25)

58. During the coronavirus pandemic, difficulties in accessing medical facilities/services and communicating with medical personnel were among the significant problems identified in terms of health care of persons with disabilities. Additional barriers were created by the restriction of public transport, the absence of a flexible system of priority testing of persons with disabilities and the suspension of targeted rehabilitation programmes (rehabilitation/therapy in person), which created a real danger of losing the already achieved positive results.⁸⁵

59. One of the problems in the direction of promoting children's early development is that the majority of children are enrolled in the sub-programme from the age of 3, at the stage when certain developmental disorders/impairments are already clearly identifiable and remain there until the age of 7. Consequently, the number of children over the age of 3 years participating in the programme is much higher than the number of children between the ages of 0 and 3. There are also cases of late referrals due to low awareness of parents.⁸⁶

60. In terms of the use of health care services by women with disabilities, lack of access to the physical environment of medical institutions, non-adapted gynecological cabinets (including relevant equipment), inadequate qualifications of doctors and their attitudes constitute important problems.⁸⁷ Women with disabilities are often deprived of the opportunity to receive the services of a gynecologist in a dignified and confidential manner.⁸⁸

61. Women and girls with disabilities do not have full access to all sexual and reproductive health services and facilities on an equal basis with others. Low awareness of women with disabilities about contraception/family planning services significantly hinders them from getting the necessary and adequate services.⁸⁹ The situation is particularly severe in psychiatric institutions, where women's sexual and reproductive health is not evaluated before starting treatment with psychotropic medication.

⁸⁵ Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia in 2020, pp. 382-283, available at: <<https://bit.ly/3XKawws>>

⁸⁶ Special Report of the Public Defender of Georgia - Analysis of the 2018-2020 State Programmes for Social Rehabilitation and Childcare, available at: <<https://bit.ly/3Y2kM3F>>

⁸⁷ Special Report of the Public Defender of Georgia: Assessment of the Needs of Women and Girls with Disabilities and Protection of Their Rights in Georgia, p. 6, available at: <<https://bit.ly/3kCupY1>>

⁸⁸ Ibid., page 6.

⁸⁹ Report on Legislative Analysis of Sexual and Reproductive Health and Rights of Women and Girls with Disabilities, Review and Analysis of State Programmes, UNFPA, 2020, available at: <<https://bit.ly/3FXg9i6>>

Habilitation and rehabilitation (Article 26)

62. Persons with disabilities are not provided with services based on their place of residence.⁹⁰ Consequently, persons with disabilities and their families are burdened with the costs of moving to and living in another geographical area in order to receive essential services.⁹¹

63. Proper monitoring and supervision by the state of existing habilitation-rehabilitation programmes is a challenge. Even though monitoring of certain services is carried out at least in a non-systematic manner, the control of the quality of the services remains the main problem.⁹²

64. Timely identification of the needs of children with disabilities, as well as early intervention, is problematic.⁹³ Often, medical personnel do not have information about available services, while delayed referral hinders the child's development and achievement of the set goals.⁹⁴ There is no state rehabilitation program available for adults with disabilities.

Work and employment (Article 27)

65. Employers have low awareness about the rights of persons with disabilities and their potential, as well as reasonable accommodation measures. The accessibility of the physical environment in general, transport and workspace is another problem for persons with disabilities.⁹⁵ Lack of access to information also creates obstacles. Oftentimes, the websites, where job vacancies are posted, are not accessible. The website “worknet.gov.ge” intended for jobseekers is not fully adapted for all types of disabilities. Proper access to the web portal by the blind and people with visual impairment, as well as person with intellectual disabilities, is especially problematic.

66. Employment is associated with special difficulties beginning from the very stage of job announcement. Most of the offered positions and job descriptions are not adapted to persons with disabilities,⁹⁶ the application forms do not take into account the needs of persons with various

⁹⁰ For details, see the comment on Article 7 (Children with disabilities).

⁹¹ Special Report of the Public Defender of Georgia: Analysis of the 2018-2020 State Programmes for Social Rehabilitation and Childcare, 2021, pages 6, 38-39, available at: < <https://bit.ly/3Y2kM3F> >

⁹² Ibid., pages: 45, 38-39.

⁹³ See also the comment on Article 25 (Health).

⁹⁴ Special Report of the Public Defender of Georgia: Analysis of the 2018-2020 State Programmes for Social Rehabilitation and Childcare, 2021, pages 12, 38-39, available at: < <https://bit.ly/3Y2kM3F> >

⁹⁵ Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia in 2021, available at: < <https://bit.ly/3Kn5xwk> >

⁹⁶ For example, employers rarely take into account the reality that persons with disabilities have insufficient access to formal education and try to develop their professional skills through informal education, especially through online courses and training. It is also problematic to offer a flexible mode to those who want to work from home.

disabilities. The lack of formal education and continuous professional training of persons with various disabilities also prevent them from being employed.

67. The rate of persons with disabilities employed within the framework of employment promotion programmes is low. The statistics of persons with disabilities employed within the programmes by years are as follows: 2017 - 103, 2018 - 99, 2019 - 98, 2020 - 37, 2021 - 115 persons with disabilities. In addition to the fact that only 452 people have been employed during these five years, the rate is not increasing dynamically, which indicates the need for the implementation of more effective measures by the State. The data also makes it clear that the number of people looking for jobs is much higher than the number of people actually employed.⁹⁷ In addition, the geographical coverage of the employment promotion agency's service centers is insufficient for the substantial promotion of the employment of persons with disabilities.

68. As for the public sector, according to the information provided by the Civil Service Bureau in February 2022, a total of 128 persons with disabilities are employed there. Of them, 65 are civil servants, 15 have managerial positions and 48 are contract employees.⁹⁸ It should also be noted that persons with disabilities are employed in the local self-governing bodies only in 18 municipalities.⁹⁹

Adequate standard of living and social protection (Article 28)

69. Persons with disabilities and their family members often face serious social problems. In the absence of support and other services necessary for living independently (e.g., a personal assistant or a home care programme), the entire burden of support is shifted to the family members of persons with disabilities and, consequently, they are deprived of opportunities to work and improve their socio-economic situation. It should be noted that older persons with disabilities are unable to benefit from the social package and age-related pension at the same time.¹⁰⁰

⁹⁷ For example, in 2021, 19 persons with disabilities were enrolled in the state programme for raising professional qualifications, but only 2 got employed. During the same period, employment consultants provided employment consultation to 220 persons with disabilities within the framework of intermediary services throughout Georgia, however, only 26 persons with disabilities got employed. 2 employers and 7 persons with disabilities were enrolled in the subsidy component. As of December 1, 2021, 4 persons with disabilities are employed. Labour contracts are signed for a period of 6 months.

⁹⁸ Report of the Public Defender of Georgia: The Right to Work and Employment of Persons with Disabilities, 2022, available at: < <https://bit.ly/3G16oCs> >

⁹⁹ The data refers to 55 municipalities. Special Report on Evaluation of the Needs of Women and Girls with Disabilities and Protection of Their Rights in Georgia (unpublished), p. 44.

¹⁰⁰ See the 2020 Special Report of the Public Defender of Georgia on the Situation of Equality and Combating and Preventing Discrimination, pp. 20-21, available at: < <https://bit.ly/3H3COve> >; Short summary of the case is available at: < <https://bit.ly/3ZTanZz> >

70. The severe infrastructural conditions in social housing violate the right of persons with disabilities to live in dignified and safe conditions. This problem is particularly acute considering the fact that the vast majority of such facilities completely or partially ignore the needs of persons with disabilities.¹⁰¹

71. Due to the unstable nature and short duration of the rental housing service, as well as the absence of beneficiary empowerment mechanisms, this service is not effective in combating homelessness in the long term. Moreover, the beneficiary groups of this service vary according to municipalities. As a result, the groups considered to be of lower priority by the local government are excluded from the service.¹⁰²

72. There are also problems in the direction of access to proper food. Persons with disabilities do not have access to sufficient quantities of safe or quality food. Operation of state free meal program at the municipal levels is faulty in case of persons with disabilities. In particular, services are not provided to persons with disabilities in a properly equipped, accessible or safe environment. The majority of service providing institutions do not meet universal design standards.¹⁰³

Participation in political and public life (Article 29)

73. Low participation of persons with disabilities in political and public life is problematic. An important challenge is the creation and functioning of local councils working on issues of persons with disabilities in local self-governing units to ensure the inclusion of persons with disabilities in the decision-making process. Despite the relevant obligation,¹⁰⁴ until now, such councils have not been set up in all the municipalities,¹⁰⁵ while during 2021, meetings of the consultative bodies of these councils were held only in 25 municipalities.¹⁰⁶

¹⁰¹ Social housing entrances are equipped with ramps, however, the internal perimeter of the housing, as well as the bathrooms of the apartments, are not adapted for the needs of people using wheelchairs. None of the social housing is accessible for people with visual impairments. The overcrowding of living areas calls into question the opportunity of persons with disabilities to live in dignified conditions and have a living space adapted for their needs.

¹⁰² Report of the Public Defender of Georgia on the Implementation of Housing Services in Georgia, in the Context of the Rights of Persons with Disabilities, 2022, p. 12, available at: < <https://bit.ly/3iUESxP> >

¹⁰³ Report of the Public Defender of Georgia on the Implementation of Free Meal Programme in Georgia, 2022, available at: < <https://bit.ly/408tvDh> >

¹⁰⁴ This obligation was provided for by the 2014-2016 action plan for providing equal opportunities for persons with disabilities and was subsequently reflected in the governmental human rights action plan approved by Decree No. 182 of the Government of Georgia on April 17, 2018.

¹⁰⁵ In December 2021, information was requested from 64 municipalities. As a result, it became clear that in several municipalities (Dusheti, Tianeti, Kaspi, Kazbegi, Tsalka, Chiatura) councils had not been set up.

¹⁰⁶ The situation caused by the pandemic was named by the self-governments as the reason for not holding the meetings.

74. Lack of accessibility of polling stations remains a challenge during elections. When assessing accessibility, emphasis is mainly placed on physical barriers and presence of ramps,¹⁰⁷ and the relevant photos and information regarding the infrastructure of the polling stations are posted on the website. The Central Election Commission does not have information on the accessibility of polling stations for blind or deaf people. The Commission does not produce statistics on the number of persons with disabilities participating in the elections, which makes it difficult to assess the dynamics of the turnout of voters with disabilities. It should be noted that information about election programmes or processes is not properly provided to persons with disabilities by using appropriate formats (including simplified language).

75. Measures to promote the participation of persons with disabilities placed in closed institutions in the elections are not properly considered. According to persons with disabilities, political parties are not interested in their attitudes and do not perceive them as voters. Consequently, the discussion on needs of the persons with disabilities is rare among political parties.¹⁰⁸

Participation in cultural life, recreation, leisure and sport (Article 30)

76. Not enough effective steps are taken to promote participation of persons with disabilities in cultural life, recreation, leisure or sport. The long-term human rights strategy for 2022-2030 does not include the specific goal of realizing the aforesaid right. The State has not taken appropriate measures to ratify or implement the Marrakesh Agreement. As a result, blind and partially sighted people still lack proper access to various printed publications and papers.

Statistics and data collection (Article 31)

77. It is a challenge to produce accurate statistics on persons with disabilities in various fields, desegregated by their gender, age, disability or other characteristics.¹⁰⁹ There are also difficulties in exchange of information between agencies and their systematization.¹¹⁰ No accessibility audit is conducted and no data collection/analysis is carried out on the improved physical environment. The trends of involvement of persons with disabilities/organizations of persons with disabilities in the decision-making process are not assessed either.¹¹¹

¹⁰⁷ As of December 2021, 1123 out of 3664 polling stations across Georgia were accessible to voters with mobility impairments. Out of 1867 polling stations opened in the II round of elections, 648 were accessible to voters using wheelchairs.

¹⁰⁸ Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia in 2021, page 279, available at: <<https://bit.ly/3YV0WbK>>

¹⁰⁹ See the Public Defender's proposal on the production of statistics, 2016, available at: <<https://bit.ly/3FG8tCd>>

¹¹⁰ Lack of various statistics relating to the rights of women and girls with disabilities is particularly problematic.

¹¹¹ There is no data collection system in place that would include data on the involvement of persons with disabilities, including the number of activities, participation of persons with disabilities/organizations representing them and the rate of consideration of their recommendations.

78. Neither the services provided by the State Programme for Social Rehabilitation and Childcare, nor municipal programmes are based on proper analysis. Consequently, it is not possible to use the allocated funds properly, to define priorities correctly or to cover all children/persons with disabilities across the country.¹¹²

National implementation and monitoring (Article 33)

79. Despite the creation of the Inter-Agency Coordination Committee for the Implementation of the Convention on the Rights of Persons with Disabilities by the Government of Georgia,¹¹³ no additional resources have been mobilized for the purposes of the Committee's activities. Accordingly, its activities are carried out within the framework of the human, technical and financial resources available in the Governmental Administration. The involvement of organizations working on issues of persons with disabilities in the Committee's work is provided for. However, as the Committee has been established only recently, it is still too early to evaluate the effectiveness of the Committee's work.

80. As for the Public Defender's Office, it is actively involved in the monitoring of the implementation of the Convention, both at the international and local levels. However, the rate of implementation of the relevant recommendations issued by the Office to the State is still unsatisfactory.¹¹⁴

81. The work of the Office is significantly supported by international partners, in terms of allocating the necessary financial resources for conducting external examination and monitoring.

82. The Public Defender ensures the full involvement and participation of persons with disabilities and their representative organizations in the monitoring of the implementation of the Convention through the Consultative Council of the Public Defender. The Council holds meetings regularly, once a quarter. 10 invited members of the Council, who are persons with various disabilities and are working in thematic directions, participate in the development of Public Defender's activity plans and in the oversight of their implementation.

¹¹² Special Report of the Public Defender of Georgia: Analysis of the 2018-2020S State Programmes for Social Rehabilitation and Childcare, available at: < <https://bit.ly/3Y2kM3F> >

¹¹³ The Public Defender positively evaluated the creation of the committee, however, at the same time, she emphasized other important issues. See the 2021 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, p. 283, available at: < <https://bit.ly/3Kn5xwk> >

¹¹⁴ The Public Defender of Georgia, Special Report on Fulfillment of Tasks Laid Down in Parliamentary Resolution of 12 July 2021, pages 83-84, 105-107, available at: < <https://bit.ly/3jMWCLP> >