



**Report on the Implementation of the International Covenant on Economic,  
Social and Cultural Rights in Georgia**

**74<sup>th</sup> Session**

**(Pre-Sessional Working Group)**

**Submission for the adoption of the List of Issues**

Social Justice Center

Partnership for Human Rights (PHR)

Women's Initiatives Supporting Group (WISG)

Georgian Young Lawyers' Association (GYLA)

## Introduction

1. This shadow report, a collaborative effort by the human rights organizations - Social Justice Center, Partnership for Human Rights (PHR), Women's Initiatives Supporting Group (WISG), and the Georgian Young Lawyers' Association (GYLA), presents an alternative perspective on Georgia's adherence to the International Covenant on Economic, Social, and Cultural Rights. Focused on ethnic minorities, conflict-affected populations, persons with disabilities (hereinafter referred to as "PwDs"), LGBTQ+ individuals, and children, the report draws on extensive research, strategic litigation, and insights from national and international human rights organizations.

### 1. The status of social and economic rights of ethnic minorities

2. Minorities are one of the most socially vulnerable groups in Georgia, which is caused by the systemic social exclusion and negligence of their specific needs and interests. The governments are extremely reluctant to implemented positive measure or policy on legislative and institutional levels that would improve minorities' social and economic being. Minorities' socio-economic exclusion is doubled compared to the general population of Georgia due to the following reasons: 1) weak education policy and unequal access to quality education in minority groups; 2) excluding language policy and lack of proper access to state services; 3) weak support to the agricultural system, as minorities' self-sufficient economy. Below-given data and information endorse this finding.

#### 1.1. General data and context

3. According to the 2014 census, 13.2% of the total population are ethnic minorities, and Armenians and Azerbaijanis are the largest minority groups, composing 4.5% and 6.3% of the total population, respectively. Other small ethnic groups are Ossetians, Udis, Kists, Greeks, Assyrians, Yazidi, etc. The largest ethnic groups, Azerbaijanis and Armenians reside compactly in Kvemo Kartli, Kakheti, and Samtskhe-Javakheti.<sup>1</sup>
4. Minorities' political participation is extremely weak, which directly reflects on their social and economic status, as they cannot reflect their needs and concerns in the political agenda. The number of ethnic minorities in parliament has dropped dramatically to a mere 6 MPs since the 2020 elections. In 2016, there were 11, and in 2012, 8. In 2017, when the percentage of MPs from ethnic minorities in parliament was the highest in recent years (7.3%), it was even then equivalent to a little over half the percentage of ethnic minorities among the general population (13.2 %).<sup>2</sup> There is no special, positive mechanisms in our legal and political system (quotas, reserved seats, funding of political parties, etc.) that would increase the representation and involvement of ethnic minorities in elected bodies.
5. Minority employment in the public sector remains severely low. The first problem is related to the lack of statistical data and the absence of special supportive measures. According to the data received from the municipalities in minority regions in 2021, the following results are revealed: In Marneuli municipality, only 36% of employees belong to the minority community, while they comprise 91.4% of the total population. In Bolnisi municipality, only 14% of employees are from minority communities, while 69.1% of the Bolnisi population are minorities. 21.5% of Dmanisi municipality employees are minorities, while 66.9% of the Dmanisi population are minorities. This percentage is 22% in Tsalka, where minorities represent 53.5% of the total population.

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<sup>1</sup> In Kvemo Kartli 41.8% of the total population is ethnic Azerbaijanis and 5.1% ethnic Armenian. The majority of the total population (57.7%) lives in remote rural areas. In this region, Marneuli and Bolnisi municipalities are most compactly resided with ethnic Azerbaijanis, composing 83% and 63.8% of the total population. As for the Dmanisi municipality, 65.5% are Azerbaijanis, while this number is 43.5% in Gardabani municipality. The Samtskhe-Javakheti region, in the Southern part of Georgia, is the second-largest region where ethnic minorities reside, 50.5% of the total population is ethnic Armenian. Most of the total population of the region (65.9%) here also lives in rural areas. The biggest composition of minorities in this region is in Akhalkalaki (93% are ethnic Armenians) and Ninotsminda municipalities (95% are Armenians). Also, in Akhaltsikhe municipality, 34.5% are ethnic Armenians. 10.2% of the total population in the Kakheti region, in the east part of Georgia, are also ethnic Azerbaijanis. Pankisi Gorge in this region is populated with ethnic Kists.

<sup>2</sup> Social Justice Center, Critical Analysis of the State Strategy for Civic Equality and Integration, 2021, p. 3, <https://cutt.ly/2wDnG0G8>.

## 1.2. Minority Social Exclusion – Major tendencies and indicators

6. These are several major indicators and tendencies that reveal minority social exclusion (based on the latest quantitative research conducted in collaboration of the Social Justice Centre and the Institute of Social Studies and Analysis (ISSA)).<sup>3</sup>
  - A comparison of household indicators reveals that minority families are larger than the families in the general population. While the share of households consisting of 1 member is 17.4% of the total number of households in Georgia, this indicator is significantly low in minority families (0.4%). On the other hand, the households comprising four members in minorities are 18.4%, while the general population is 15.3%.
  - 53% of the general population has income that is below average, while this number is 68% for ethnic minorities. Income scarcity is particularly problematic for minorities in Kvemo Kartli, where 87% of minorities have income less than average.
  - Unemployment in minority groups is higher compared to the rest of the population in Georgia – while the total level of unemployment is 18.5% according to the 2020 data from the Statistics Office, this data in minority groups is 53% (28.7% of minorities are economically inactive and 23.7% is temporarily unemployed).
  - As for the employment places, 16.2% of ethnic minorities are engaged in agricultural activities, about a tenth (11%) are employed in the public sector (the largest part (47%) is employed in public educational institutions), and 6% are employed in the private sector.
  - For most minorities (36%), the main source of income is the remuneration of their family members, for 28% - the pension, and 22% - income from agricultural activities.
  - While 43.1% of the country's total population has attained a higher level of secondary education (secondary technical, higher, scientific degree), the same figure is 26.2% for ethnic minorities. Also, the share of ethnic minorities without complete secondary education is 23.2%, while the same indicator is 10.1% in the general population. Analysis of this data in the minority regions also reveals the asymmetry in access to quality education. The share of the population without complete secondary education is significantly higher in the case of the Azerbaijanis of Kakheti (54% of respondents), while the similar indicator is relatively low in other minority regions: Kvemo Kartli - 17.7%, Pankisi- 11.5%, and in Samtskhe-Javakheti - only 9.4%. Azerbaijani community in Kakheti is also distinguished by its low percentage of higher education in the households (12.2%). Noteworthy, minorities living in Kakheti municipality (except in Pankisi Gorge) showed the lowest number of higher education - 5.1% and the highest number of incomplete secondary education – 37.3%. Consequently, minorities in Kakheti municipality (except Pankisi) appeared to be the most vulnerable among other minority groups in Georgia. For example, there is the highest number of unemployment (people beyond the workforce) – 49.3%.

## 1.3. Informal Employment in the Field of Agriculture (Right to Work and Decent Employment)

7. The barriers in the agricultural sector that ethnic minorities systematically meet are the following: complicated land ownership/registration, dilapidated irrigation systems, agricultural practices that do not meet modern standards, lack of skills necessary to master modern technologies, and poorly organized sales (the farmers look for buyers themselves). Regardless of these systemic challenges, ethnic minority regions are still leaders in the production of key agricultural products in Georgia, e.g. Samtskhe-Javakheti is a leading region in potato production, according to the statistical data of the last 7 years, while Kvemo Kartli has been a front-runner in production of milk products, animal husbandry products and vegetables.<sup>4</sup> However, the state support to these regions in agricultural activities is still weak. The ratio who applied to the state-funded economic-agricultural programs is drastically low. 85% of minorities have never applied to the programs such as “Produce in Georgia,” “Introduce the future,” agro-insurance program, preferential agro-credit, etc. The lack of detailed information about the program was the main reason for non-

<sup>3</sup> Social Justice Center, Teona Piranishvili, Zaza Barbakadze, Social and Economic Exclusion of Ethnic Minorities, 2022, <https://cutt.ly/OwDnZuIU>.

<sup>4</sup> National Statistics Office of Georgia, Regional Statistics, <https://cutt.ly/qwDfzKGO>.

participation. Also, the level of awareness in the minority villages about the rural assistance program is severely low (29%).<sup>5</sup>

8. Access to agricultural lands remains the most challenging problem, particularly for minorities residing in remote rural areas, where the major source of their income is agriculture.<sup>6</sup> Unfair and discriminatory distribution of land resources since the 90s and recent malpractice of arbitrary appropriation of agricultural lands by state authorities and affiliated persons, deprives minority families of vital resources. Land resources in minority regions are in possession of a handful of people who rent the land to the rest of the minority population. For that reason, a sense of unfairness, asymmetric distribution of resources and inequality is high in minority communities.<sup>7</sup>
9. The labor situation of minority women is further acute. Self-employment of minority women in unpaid agricultural activities is higher, compared to men, but land ownership is lower.<sup>8</sup> Those belonging to ethnic minority groups spend 20 more hours (1,202.9 minutes) per week on unpaid work than ethnically Georgian women.
10. Severe drawbacks of regional infrastructure in minority regions also hinder their economic activities and in general, significantly lower the standard of living in remote areas. Access to drinking and irrigation water (almost all villages in minority regions name this as a most severe and historical problem), absence of paved village roads, and insufficiency of kindergartens and other vital infrastructure hinder minorities' economic and daily activities.<sup>9</sup>

#### **1.4. Language Policy, as a major structural barrier to the access to social protection services**

11. Language-related barriers became inseparable from minority social, economic, and political exclusion.<sup>10</sup> While international<sup>11</sup> and national legislative<sup>12</sup> framework obliges the state to use minority languages in administrative proceedings in minority regions (where minorities traditionally/compactly reside).<sup>13</sup> Administrative authorities in minority regions often ignore the need of communication with local population in their native language, in rare cases they provide translation resources, but communication with self-government administration is particularly problematic in Kvemo Kartli region and Sagarejo municipality (where ethnic minorities compactly reside). The systemic problems in the minority educational system have resulted in various education-related problems, including low state language knowledge. 63% of minorities read badly or very badly in a state language, 60% can badly or very badly communicate in a state language, and 85% badly or very badly understand the content of the text in Georgian. State language knowledge is directly connected to employment since only 9% are employed by those with low knowledge of the Georgian language, and 26% are employed in the public or private sector who know Georgian well.<sup>14</sup> This also indicates that not only language knowledge determines employment but other social and educational-related factors as well.
12. The barriers in state language knowledge hinder minority participation in political and social processes, as well as their access to social protection services. Informational vacuum, particularly for those who live in rural areas is problematic in terms of having access to social programs and state-funded services (See Subchapter 1.6 below).

#### **1.5 Access to quality education**

13. The level of quality education is severely low among minority groups, particularly in minority municipalities. This became the subject of extensive research and examination for years.<sup>15</sup> The problems

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<sup>5</sup> Social Justice Center, Teona Piranishvili, Zaza Barbakadze, Social and Economic Exclusion of Ethnic Minorities, 2022, p. 14.

<sup>6</sup> Social Justice Center, Kamran Mammadli, Bare Labor - Non-dominant ethnic groups in agriculture, 2022, <https://cutt.ly/ZwDnZAVY>.

<sup>7</sup> Social Justice Center, Kamran Mammadli, Bare Labor - Non-dominant ethnic groups in agriculture, 2022, pp. 19-20.

<sup>8</sup> UN Women, Time to care: Unpaid work and gender inequality in Georgia, 2022, <https://cutt.ly/swDnXFgo>.

<sup>9</sup> Social Justice Center, Review of ethnic Azerbaijani's needs in Sagarejo Municipality, 2023, <https://cutt.ly/awDfcnEg>.

<sup>10</sup> Social Justice Center, The government continues to ignore the linguistic needs of ethnic minorities, 2022, <https://cutt.ly/IwDfvUoz>.

<sup>11</sup> CoE Framework Convention on Protection of national minorities, Art. 10.

<sup>12</sup> Organic Law of Georgia on State Language, Arts. 9, 11 and 12.

<sup>13</sup> Thematic Commentary No. 3 The Language Rights of Person Belonging to National Minorities Under the Framework Convention, 3.

<sup>14</sup> Social Justice Center, Teona Piranishvili, Zaza Barbakadze, Social and Economic Exclusion of Ethnic Minorities, 2022.

<sup>15</sup> Social Justice Center, Systemic challenges of the education policy towards the ethnic minorities in Georgia, 2020. <https://cutt.ly/kwDfABLX>.

are recognized by the state as well. The following structural and systemic problems that originate other basic problems in access to quality education should be highlighted.

- The absence of a special strategy and action plan for minorities' access to quality bilingual education would be based on the findings and recommendations of numerous existing studies. On the other hand, democratic and inclusive consultations with community teachers, parents, students, activists, and civil actors.
  - The formal declaration of bilingual education and the absence of its practical implementation (the Ministry of Education is planning the reform but there is no prescribed action plan of when and how the bilingual education policy will be enacted).
  - The extreme shortage of teachers in non-Georgian language schools (two times less than needed) and problems related to their qualifications and training.
  - Systemic problems related to the quality of textbooks.
14. Another dimension of the challenges to quality education is the accessibility of higher education. 1+4 special program is a very valuable opportunity for minorities to have access to higher education, but certain drawbacks hinder its effectiveness. Furthermore, the latest ISSA research revealed that 63% of minorities have not heard about this special education program, which is an exceptionally high number. In contrast, this program has been functioning for already more than ten years.<sup>16</sup>

### **1.6. Access to the social protection mechanisms by PwDs**

15. Failures of social protection systems are felt hardest by the people with one or multiple vulnerabilities and among them are ethnic minorities.<sup>17</sup> The state language policy is one of the key challenges to access to central-government level services and mechanisms by the ethnic minority PwDs. State language-related barriers also limit their access to services on local/regional levels as well. As it was studied<sup>18</sup> in the example of ethnic Azerbaijanis in Kvemo Kartli, locals must pay the cost of translation services (for translating documents, applications, complaints, and letters from administrative organs) on their own due to the neglect of costs of translation by the state budget.
16. Due to an informational vacuum, PwDs living in Kvemo Kartli don't have information about the scarce amount of services that exist (social rehabilitation and child care, as well as employment promotion services), and cannot subscribe to them. They also don't have information about their own rights and the ways to protect them. An absolute majority of focus group participants were also not informed about the social workers working in their municipalities, their functions, or their identity.
17. Another problem is related to the absence/lack of statistical data, that hinders implementation of positive measures by the state. For example, the state doesn't have information about the exact number of ethnic minorities PwDs or of the social package beneficiaries among ethnic minorities; in general, Kvemo Karli has identified the least number of PwDs and covers the least number of them by the social package program. The overall percentage of PwDs is 2.42% in this region. Three municipalities have rates lower than the regional average: Tetrtskaro municipality 2.07%, Gardabani municipality 2.28%, Tsalka municipality 2.3%; Kvemo Karli is the second last municipality in the country, according to the number of medical institutions conducting medical-social expertise for disability status recognition, per 100 000 citizens.

### **1.7 Access to social protection schemes by non-nationals**

18. Another problematic issue for ethnic minorities historically, culturally, and socially firmly connected to Georgia is access to Georgian Citizenship. More than ten thousand ethnic Armenians living in the Samtskhe Javakheti region, who lost Georgian Citizenship due to severe social conditions and the necessity for work migration, can now not return to Citizenship.<sup>19</sup> A similar problem is relevant to ethnic Ossetians who lost Citizenship after forced migration in the chauvinist waves of the 90s, repatriated Muslim Meskhetians, and

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<sup>16</sup> Social Justice Center, Teona Piranishvili, Zaza Barbakadze, *Social and Economic Exclusion of Ethnic Minorities*, 2022, pp. 7-8.

<sup>17</sup> Social Justice Center, *The Experience of Azerbaijani Disability Community Living in Georgia - Access to Social Protection Mechanisms*, 2023, <https://cutt.ly/LwDnVfOB>.

<sup>18</sup> Ibid.

<sup>19</sup> Social Justice Center, *Thousands of people waiting for citizenship*, 2021, <https://cutt.ly/GwDfGIJd>.

Chechen refugees. Citizenship laws are insensitive towards the social and historical challenges that these groups went through; the requirements related to the knowledge of the Georgian language and strict influences of security authorities on citizenship attainment processes restrict them from gaining/returning Georgian Citizenship. Without Georgian citizenship, these communities do not have access to social protection mechanisms and state-funded services/programs, which makes them further vulnerable, socially, and economically.

#### **Lists of Issues:**

1. Please clarify, whether the state is processing statistical data reflecting ethnic minority social and economic status, including their employment (in the public sector), their access to social and economic programs and services;
2. What measures does the state take to improve infrastructural gaps in minority regions, namely with regard to the village's basic infrastructure (drinking and irrigation water, bridges, roads, public transport, etc.)?
3. What measures does state plan to take to improve minority's access to land resources?
4. When does the state plan to implement bilingual education policy and on what principles this policy will be based, what reforms are considered in this process?
5. Please clarify how the state provides access to public information in minority languages and whether administrative proceedings are accessible for minorities.
6. Please clarify what measures the state plans to take to improve access to Georgian citizenship to those minorities, who are historically linked to Georgia and lost their citizenship because of social and various historical issues.
7. How does state plan to improve access to social services for vulnerable minority groups, including for PwDs?
8. What targeted steps government is taking to support minority agricultural activities?

## **2. Social and economic conditions of conflict-affected communities in Georgia**

### **2.1. Realization of Social and Economic Rights in the Occupied Territories of Georgia -Gali and Akhagori**

19. Gali and Akhagori are the regions in occupied Abkhazia and South Ossetia, compactly resided by ethnic Georgians. Gali is in the eastern part of Abkhazia, which was compactly resided by approximately 80.000 ethnic Georgians, before the war in the 90s. After the war, nearly 45.000 Gali residents returned arbitrarily to their homes.<sup>20</sup> The Gali residents were forced to leave their houses second time in 1998, when military clashes were renewed, more than 1500 houses were burnt, schools and infrastructure was destroyed.<sup>21</sup> In 1999 Gali residents were allowed to return, we do not have exact number of people now living in Gali, but according to the de-facto Abkhazian statistics, their number is approximately 30.000.<sup>22</sup>
20. Akhagori (located 66 Km away from Tbilisi) is included in the South Ossetian de-facto administration. This region was completely under the control of the Georgian central government before the August war of 2008. Since then, the Russian Federation has exercised effective control over that territory. The total population of Akhagori was more than 5000 in 2002 (85% were Georgians and 14% Ossetians), but after the war, the number reduced to 3000, and depopulation of the region is ongoing severely, according to unofficial sources less than 1000 people live now in this region.<sup>23</sup>
21. The residents of both regions are victims of systemic discrimination by de-facto administrations and the Russian Federation. Ongoing oppression has several dimensions: the ethnic Georgian residents of Gali and Akhagori are not allowed to get an education in their native language; Freedom of movement is the most acute human rights issue that concerns both regions, restriction of freedom of movement is interlinked to various other restrictions, like access to quality healthcare, social services, education, family and economic

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<sup>20</sup> The number is not precise and differs in various researches. See, Social Justice Center, Double Exclusion Places: Human Rights and Social Challenges in Gali and Akhagori, 2022, p. 10, <https://cutt.ly/9wDfXDLz>.

<sup>21</sup> Report of the Secretary-General concerning the situation in Abkhazia, Georgia (S/1998/647), 13.

<sup>22</sup> Human Rights Watch, Living in limbo, 2011. 15-16, <https://cutt.ly/IwDnBr0P>.

<sup>23</sup> Social Justice Center, Double Exclusion Places: Human Rights and Social Challenges in Gali and Akhagori, 2022.

- relations. Furthermore, Gali residents are not allowed to receive de-facto “Abkhazian citizenship”, which restricts their access to basic civil and political rights, including the right to property, the right to vote, etc.<sup>24</sup>
22. Apart from local systemic discrimination and rejection of basic civil and social rights, the central government of Georgia also has not elaborated any targeted programs and policies, including for social and economic welfare, for its citizens living in the occupied territories. A recent study<sup>25</sup> revealed that in the situation of protracted conflict, where the Gali and Akhagori residents’ basic civil and political rights are violated, their social and economic conditions are also vulnerable. Gali and Akhagori residents have severely restricted access to quality healthcare and social services.
  23. Medical infrastructure and service in Gali and Akhagori cannot meet the basic standards, which leaves locals without proper access to quality healthcare and their transfer to Georgia-controlled territory is critical and, in some cases, has vital importance. The hospital in Akhagori is practically destroyed, left without medical staff and infrastructure and the hospital in Tskhinvali is also in poor condition and in urgent cases, Akhagori residents cannot get proper medical service there. Noteworthy, Akhagori hospital had never been well-functioning even before the 2008 war, but locals had no problem getting proper healthcare because they could freely move to nearby cities (Tbilisi, Mtskheta). Akhagori was particularly dependent on Mtskheta (26 km from Tbilisi) in terms of getting social and healthcare services.
  24. In this context residents have severe problems with freedom of movement towards Georgian-controlled territory, which is an alternative for them to get access to quality and timely healthcare.<sup>26</sup> *Ad-hoc* and arbitrary restriction of freedom of movement and practice of closing the crossing points restricts access of Gali and Akhagori residents to basic social, health and education services. While there were 6 crossing points from Abkhazia/Gali to the controlled territory of Georgia (in 2013-2016 years), since 2016 only two points have been functioning. However, residents have problems getting the necessary documents for movement. There are four crossing points in the direction of Tskhinvali region, but mostly they open and close arbitrarily, based on the decision of de-facto authorities. “Travel documents” are also problematic for Akhagori residents. Dozens of tragic cases of people trying to reach controlled territory for healthcare needs illustrate the above-described context, these cases were particularly frequent during the pandemic lockdown.<sup>27</sup>
  25. The central government does not foster measures and initiatives specifically focused on them, which, beyond the status of citizens of Georgia, would be manifested in additional positive measures and approaches. Today, the same programs are provided to the population of Gali and Akhagori in several policy directions (with minor exceptions), as to the rest of the citizens of Georgia, and the state does not properly conceptualize the multi-layered challenges related to the protracted conflicts and non-recognition and do not suggest them special targeted measures/programs and treatment, that would improve their social and economic conditions.
  26. Gali and Akhagori residents claim that the special healthcare referral mechanism, that provides free medical care for the people living in occupied territories, does not apply to them, as they are considered citizens of Georgia and ordinary programs apply to them. According to the official data, in the past 6 years, 6264 people living in the territory of Abkhazia have benefited from the free healthcare program and only 328 who live in the Gali region of Abkhazia. As for the Tskhinvali region, over the past 6 years, 1,639 people have benefited from this program, and 65 who live in the Akhagori region of South Ossetia.<sup>28</sup>
  27. The right to quality education is also violated for Gali and Akhagori residents as they are deprived of the opportunity to get an education in the native Georgian language. This practice has continued for more than a decade. The forced transition of the teaching process in Gali and Akhagori schools into Russian language started in 1998 and 2017 respectively and was finalized in both regions in 2022, when all classes of all schools in these regions became Russian language. Following the deterioration of the quality of education and the process of Russification, the number of students in Gali schools is decreasing, if in 2015-2016 this number reached 4,500, now it is less than 3,800. The number of students in Georgian-language schools in Akhagori is also decreasing: According to the 2021 report of the Public Defender of Georgia, the total

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<sup>24</sup> Ibid, 22-25.

<sup>25</sup> Social Justice Center, Double Exclusion Places: Human Rights and Social Challenges in Gali and Akhagori, 2022.

<sup>26</sup> Ibid., pp. 18-20, 27, 48-52.

<sup>27</sup> Social Justice Center, EMC Responds to the Humanitarian Crisis in Akhagori, 2019, <https://cutt.ly/OwDfBxk8>;

<sup>28</sup> Social Justice Center, Double Exclusion Places: Human Rights and Social Challenges in Gali and Akhagori, 2022. 30.

number of schools is 6, while a year ago this number was 7.<sup>29</sup> Forced transition to Russian language teaching affected the quality of education in general since neither students nor teachers had enough knowledge of Russian language to teach or study various school subjects. Those schools that were already accommodated to the system now have the problem of proper knowledge of the Georgian language since students from Gali and Akhagori basically continue their university studies in Georgia-controlled territory.<sup>30</sup>

28. State social assistance programs do not work in Gali and Akhagori since the state cannot evaluate the economic and social situation of each family (due to the absence of access). To balance this drawback, the state has not elaborated any alternative social support policy.
29. Restrictions on freedom of movement limit the economic opportunities for conflict-affected communities, particularly for those living in the villages nearby the administrative borders, while trade with agricultural products between the villages is a major source of income for these communities. Transfer of products even for daily needs (and not for travel) is problematic from the Tbilisi-controlled territory as well, since Georgian law enforcers who control security close to the administrative borders restrict the transfer of products for unknown reasons (regulations are not provided in any legislative act).

## **2.2. Realization of Social and Economic Rights of Persons Living Near the Administrative Border Line (ABL)**

30. According to the national census of 2014, there are 116 villages near the administrative border line, where 46000 people live.<sup>31</sup> While this community is under daily security-related risks (illegal detentions, abductions, so-called borderization process)<sup>32</sup> they face daily and economic challenges, unemployment, drawbacks in access to social services, etc. Unfortunately, these problems are not seen by the central government, these communities are not subject to special treatment or programs that would compensate for their vulnerable living in the context of protracted conflict.
31. In these territories, the population decreased by 33%, which is twice more compared to the total migration rate in Georgia.<sup>33</sup> People are forced to leave their homes due to unemployment, severe social and economic conditions, lack of access to basic services and social infrastructure only 33% of the population living close to the ABL have water pipes and only 73% of them have drinkable water pipes; in 38% medical services are not available at all; Only 39% of local households have enough food; According to the data of the UN Women study, only 30% of the border settlements have a kindergarten, 90% of villages does not have a pharmacy; 86% of villages does not have a library, 58% of the population has problems with electricity, etc.<sup>34</sup>
32. According to this latest research ABL communities of South Ossetia/Tskhinvali region declare that there is no hospital or medical care center in their villages. 86% of ABL residents name that their major source of income is a pension, for 73% - state social aid, and for 60% - the income received from family agriculture activities.<sup>35</sup> Salary as an income source was named only by 29% of the local population. ABL communities are not even properly informed on the state-funded programs that support economic activities.<sup>36</sup> Also, 72% of locals in South Ossetia/Tskhinvali regions lost access to pastures, 56% on forests, 31% - on arable lands, 25 lost access on irrigation water, and 21% on gardens.<sup>37</sup> 68% of IDPs and 65% of people living nearby Tskhinvali region/South Ossetia declare that they have not received compensation for damage and loss as a result of conflicts (except monthly assistance (15 Euro) in case of IDPs).

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<sup>29</sup> Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, p. 257, <https://cutt.ly/XwDgypnu>.

<sup>30</sup> Social Justice Center, Access to Quality Education in Gali and Akhagori, 2023, p. 7, <https://cutt.ly/PwDfMRpK>.

<sup>31</sup> UN Women, The Needs Assessment of the Population Residing Along the Administrative Boundary Lines in Georgia, 2019, p. 18, <https://cutt.ly/OwDn0Hnj>.

<sup>32</sup> From 2016 to 2022, 624 people were detained along the occupation line in the direction of Tskhinvali, and 337 people were detained in the direction of Abkhazia. (statistics from the annual reports of the State Security Service).

<sup>33</sup> UN Women, The Needs Assessment of the Population Residing Along the Administrative Boundary Lines in Georgia, 2019, p. 25.

<sup>34</sup> Ibid, pp.12-14.

<sup>35</sup> Ibid, p. 31.

<sup>36</sup> Ibid, p. 33.

<sup>37</sup> Ibid, p. 29.

33. The only social support system provided by the state derives from the Law on Mountainous Areas, which provides preferential treatment to those who live in mountainous areas of Georgia (e.g. lower utility costs, free higher education, etc). However, the law is not applicable to some of the ABL villages (particularly in the direction of Abkhazia) and the state does not have a unified social policy towards ABL communities as such.
34. The women living in the villages nearby the ABL are one of the most vulnerable conflict-affected groups, who remain without proper access to medical, legal and social services, their economic vulnerability hardens existing social life in the context of instability, insecurity and continuous threats towards their safety due to proximity to the occupation lines.<sup>38</sup>

### 2.3. The Social and Economic Rights of IDPs

35. The legal status of IDPs, as well as their rights, duties, legal, economic and social guarantees are determined by the law of Georgia on internally displaced persons from the occupied territories of Georgia. According to the law, an IDP is entitled to receive IDP allowance and social and other assistance, in accordance with the procedure and terms established by the legislation of Georgia and to use proper living accommodation on the territory of Georgia until returning to their permanent place of residence, except when he/she has been provided with a long-term living accommodation.
36. However, the social and human rights situation of internally displaced people remains challenging. Half of the total amount of IDPs (more than 90.000 IDPs) are still left without housing and families continue to live in communal residential buildings that do not meet basic standards of living and are dangerous for life and health. According to official data, there are up to 300 IDP accommodation facilities that are life-threatening. According to the latest report of Public Defender in 2022, the number of families that were resettled from the collapsing buildings has significantly decreased (twice less) compared to the data of last year.<sup>39</sup>
37. Some of the accommodation facilities handed over to IDPs in the past years are also destructible.<sup>40</sup> The practice of delaying final decisions at the stage of long-term settlement, as well as an illegal practice of not substantiating the negative decisions on accommodation remains problematic.<sup>41</sup>
38. The monthly support of displaced persons is only 45 GEL/15 EUR, which is much less than the subsistence minimum<sup>42</sup> (252 GEL/85 EUR as of November 2023).
39. IDPs still have less access to quality health services and economic empowerment programs. Namely, the lack of employment, as well as access to healthcare and transportation pose important problems.<sup>43</sup> On the other hand, the participation of IDPs in decision-making is low on both, central and local levels.<sup>44</sup> The state doesn't put enough effort to include the public in the decision-making process, even when the issues directly affect IDPs.<sup>45</sup> Poverty, lack of access to social services, low income and unemployment often becomes the reason of immigration.<sup>46</sup>
40. In 2020 Trust Fund for Victims at the International Criminal Court considered it necessary to provide physical and psychological rehabilitation as well as material support for the benefit of victims and their families.<sup>47</sup> However, it's important for the state to implement an approach of wider scope for the issues of social and economic rights of IDPs to be addressed.

<sup>38</sup> Social Justice Center, The needs and challenges of women living close to the ABL, 2022, <https://cutt.ly/0wDf7FR0>.

<sup>39</sup> Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, p. 233.

<sup>40</sup> Ibid., p. 234.

<sup>41</sup> Ibid., p. 233.

<sup>42</sup> National Statistics Office of Georgia, Subsistence Minimum, <https://cutt.ly/rwDf2hzp>.

<sup>43</sup> Georgian Young Lawyers' Association, 10 Years After the August War - Victims of the Situation in Georgia, 2019, <https://cutt.ly/KwDgjr9j>.

<sup>44</sup> Special Report of the Public Defender of Georgia, Mobility barriers of Internally Displaced Women and its impact on women's economic empowerment, 2022, p. 7, <https://cutt.ly/7wDgkqkm>.

<sup>45</sup> Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia 2022, p. 232.

<sup>46</sup> Special Report of the Public Defender of Georgia, Mobility barriers of Internally Displaced Women and its impact on women's economic empowerment, 2022, p. 7.

<sup>47</sup> Notification by the Board of Directors in accordance with regulation 50 (a) of the Regulations of the Trust Fund for Victims of its conclusion to undertake further specified activities in Georgia, 2022, <https://cutt.ly/4wDgcpg0>.

## **Lists of Issues:**

1. Please clarify whether the state healthcare referral mechanism is applicable to the residents of Gali and Akhgori and if yes, what are the statistics for applying to this program by them?
2. What measures does the government take to ensure the social security of Gali and Akhgori residents?
3. What measures does the government take to ensure the social security of people living close to the ABL?
4. What steps is the government taking to improve access to healthcare services for people living close to the ABL, in IDP settlements and in Gali and Akhgori?
5. What measures does the government take to ensure education in the native language for Gali and Akhgori residents?

## **3. The Human Rights Situation of Persons with Disabilities**

### **3.1. The Socio-economic Vulnerability of Persons with Disabilities**

41. The social protection of PwDs is a critical and pressing concern in Georgia. Unfortunately, this issue has not been accorded the priority it deserves on the government's agenda. Existing social protection mechanisms, dispersed across central and municipal levels, lack cohesion and efficiency, failing to constitute a unified system that adequately addresses the individual needs of PwDs.
42. The enactment of the Law "on the Rights of Persons with Disabilities" in 2020 did not enhance the social rights standards for PwDs. While this legislation introduced noteworthy human rights standards, it falls short of encompassing international human rights obligations related to social protection, poverty prevention, and ensuring an adequate standard of living for PwDs. Unfortunately, the adoption of the Law led to the abolition of the previous Law "on Social Protection of Persons with Disabilities" without introducing new mechanisms, leaving PwDs without substantial guarantees for social protection.<sup>48</sup>
43. Along with the absence of a unified policy and a systematic vision, the fact, that the social protection system of the PwDs is solely based on medical diagnoses and ignores the human rights-based paradigm, presents one of the major problems in the Georgian context. Additionally, the absence of statistical data concerning the PwDs, which would be close to reality prevents the possibility to evaluate the exact socio-economic vulnerability of the community.<sup>49</sup>
44. A UNICEF study highlights that households with a member with disabilities face a 4% increased risk of falling into poverty. As of June 2023, 36 938 PwDs were considered to be living in extreme poverty, receiving social allowance. However, the Proxy-Means Testing (PMT) system used to assess poverty of the household (which is a prerequisite for receiving social allowance) has significant inclusion and exclusion errors, leading to the under-identification of those in need.<sup>50</sup> Therefore, more PwDs living in poverty remain undetected by the state.
45. The provision of the social package - a cash transfer aimed at compensating for environmental barriers faced by PwDs, is challenging. Disturbingly, only 3.4% of the total population (more than 127 000 PwDs as of November 2023) receives the social package, leaving at least 2/3 of disability community not covered by minimal state protection. Older PwDs are prevented from receiving the package alongside an old-age pension. Additionally, those with moderate disabilities, who did not have the status during childhood, and those prevented from having a status due to the medical model of disability, are unjustly excluded.<sup>51</sup>
46. Additionally, the monthly amount foreseen by the social package is extremely low and for more than 82 000 individuals it falls below the subsistence minimum (252 GEL/85 EUR as of November 2023) and amounts to 175 GEL/59 EUR and 135 GEL/45.5 EUR for persons with significant and moderate disabilities, respectively. That exacerbates the challenges faced by PwDs already living with limited

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<sup>48</sup> Social Justice Center, Organizations and activists working on the rights of persons with disabilities respond to the Draft Law "on the Rights of Persons with Disabilities", 2020, <https://cutt.ly/TwDHmBUg>.

<sup>49</sup> Coalition for Equality, The main challenges of the Social Protection System for various vulnerable groups in Georgia, 2022, p. 37, <https://cutt.ly/fwDHR3PI>.

<sup>50</sup> Social Justice Center, The Role of Targeted Social Assistance in the Social Protection System and Its Connection with Other Social Support Services, 2023, pp. 56-59, <https://cutt.ly/AwDHTGJ3>.

<sup>51</sup> Social Justice Center, The Social Justice Center Assesses the Human Rights Situation in 2023, 2023, p. 21, <https://cutt.ly/wwDHIQOk>.

resources (including very limited employment opportunities) and puts them at risk of living in extreme social and economic vulnerability.<sup>52</sup>

47. Apart from the social package and social allowance schemes, social protection mechanisms are developed at the municipal level as well. While municipalities are ideally positioned to be the closest actors to local populations, the reality is that local social protection services often suffer from fragmentation and a lack of emphasis on proper support of PwDs. Municipal social protection services lack uniformity, leading to significant discrepancies in support for PwDs based on their place of residence. Insufficient reliance on studies and research concerning the challenges faced by PwDs, coupled with limited involvement of the community in decision-making processes, results in inadequately tailored social protection services.
48. Some services municipal social services exhibit discriminatory practices through derogatory language or selective coverage, contravening the principle of equality by excluding certain groups of PwDs. Additionally, PwDs face multiple barriers to accessing social benefits, including service unavailability, geographical, physical, and informational inaccessibility, and linguistic obstacles, particularly for those belonging to ethnic minority groups.<sup>53</sup>
49. Additionally, the absence of a national housing strategy and action plan, coupled with underdeveloped mainstream housing services, exacerbates the challenges faced by PwDs. The inadequacy of social housing, shelters, and rent allowances, combined with unsuitable and inaccessible living conditions in most of the facilities, further aggravates the human rights situation of community members<sup>54</sup> and creates risks of their institutionalization and/or homelessness.

### **3.2. Challenges in the Realization of the Right to Mental Health and Deinstitutionalization in Georgia**

50. In January 2022, the government approved a new strategy for mental health in Georgia.<sup>55</sup> The document defines the vision of the state and its future priorities in the direction of mental health for the years 2022-2030. The country has also adopted the strategy for independent living and deinstitutionalization of people with disabilities (2022-2030) and its action plan. However, the implementation of these documents and the general situation in the country are problematic.
51. At the moment of approval of the Mental Health strategy, the country had zero indicators in the following criteria, which once again shows the devastating situation in the mental health system:
  - certification of nurses, their assistants, psychologists and social workers in the mental health system;
  - updated national standards for mental health services;
  - existence of complaints mechanism for alleged human rights violations in the mental health system.
52. Treatment in psychiatric hospitals is problematic. Psychiatric care in psychiatric hospitals does not have a biopsychosocial character and is practically reduced to pharmacotherapy. According to the Public Defender's assessment, a biopsychosocial approach is important to ensure proper psychiatric care, which, along with pharmacotherapy, considers the patient's needs, and also involves the element of psychosocial rehabilitation. In parallel with the challenges, in terms of psychosocial rehabilitation in psychiatric institutions, the medication burden is increasing. In addition, patients are not properly involved in the process of providing psychiatric care, some of them do not have information concerning their diagnosis and prescribed medication (including the main and expected side effects).<sup>56</sup> Additionally, despite the need, there are no guarantees for recipients of inpatient psychiatric services to be protected from violence and/or violent methods during the medical interventions. The accessible and confidential complaints system for the users of mental health services is absent, which significantly worsens the human rights situation of persons with psychosocial disabilities.
53. Against this background, more than 48 % of the total 2023 budget (more than 49 million GEL/16.5 million EUR) for mental health services is allocated for inpatient mental health services, while, for example, psychosocial rehabilitation receives only 0.27 % of the budget. Additionally, the majority of the inpatient

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<sup>52</sup> Ibid.

<sup>53</sup> Ibid., pp. 20-21.

<sup>54</sup> Public Defender of Georgia, Implementation of Housing Services in the Context of the Rights of Persons with Disabilities, <https://cutt.ly/twDHBWfM>.

<sup>55</sup> Resolution N 23 of the government of Georgia, January 18, 2022 “on the approval of the mental health strategy of Georgia for 2022-2030”.

<sup>56</sup> Public Defenders Office, National Prevention Mechanism Report, 2020, p. 132, <https://cutt.ly/OwDgXVmX>.

service providers (8 service providers out of 10) operate in the form of large and/or specialized institutions, which hinders the deinstitutionalization process.

54. Unfortunately, the Mental Health Strategy does not consider the component of strengthening families of persons with psychosocial needs and the component of research in the field of human rights-oriented approaches, which are important for the implementation of progressive reforms in the field of mental health.
55. The implementation of the legal capacity reform is also challenging. The Mental Health strategy only emphasized the need for legislative changes in this direction but did not cover specific policy measures.

Against this background:

- Legislation and practices continue to deny legal capacity for persons with intellectual disabilities and persons with psychosocial disabilities who are considered to have “antisocial personality disorder”, legislation limiting the exercise of the legal capacity of PwDs, including in the areas of family life, parental rights, the right to work and the right to participate in political and public life;
- insufficient progress is made in ensuring persons with psychosocial and/or intellectual living in institutions regain their legal capacity;
- The appointment of supporter still relies solely on the medical assessment and evidence provided by the Forensic Bureau, while there is the delay in implementing a range of supported-decision mechanisms, and the limited awareness in government and society about the rights of PwDs to equal recognition before the law and supported decision-making.<sup>57</sup> It is noteworthy, that Georgia received recommendation “to ensure that supported decision-making is provided on the basis of the will and preferences of the person concerned and that PwDs have the right to accept or refuse support and participate themselves, with appropriate information in accessible formats, in all procedures concerning the appointment of support persons and introduce a range of supported decision-making alternatives tailored to all types of impairment”,<sup>58</sup> and “repeal all legal provisions that restrict the right of PwDs to participate in administrative and judicial proceedings and recognize their right to participate in administrative and judicial proceedings in all roles, on an equal basis with others”.<sup>59</sup> However, PwDs face challenges to participate in litigation independently. Judges lack knowledge about equal recognition before the law, creating obstacles for PwDs applying to the court.<sup>60</sup>

#### **Lists of Issues:**

1. What is the government’s vision towards the transformation of the social package program for PwDs?
2. What steps are taken to harmonize municipal social services for PwDs and ensure their compliance with the international human rights standards?
3. What is the timeline of deinstitutionalization?
4. What programs does the government implement for people in institutions to gain the skills and knowledge for independent life?
5. Does the government measure the efficiency of trainings for the judges on the equality of PwDs?
6. What is the mechanism for monitoring the decisions of judges about PwDs?

## **4. The Human Rights Situation of the LGBTQ+ Community**

### **4.1 Access to Social Protection Schemes**

56. The social protection system in Georgia is not effective and is not tailored to the needs of specific individuals/vulnerable groups.<sup>61</sup> Because of the high level of homo/bi/transphobia in Georgian society, the ineffectiveness and gender blindness of Georgia’s social protection system affects the social vulnerability of the LGBTQ+ community in Georgia.
57. „In conditions where entering the labor market is increasingly difficult, school, and higher education are not the basis for enjoying essential social goods, and social security benefits are not available, the state

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<sup>57</sup> Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Georgia, 2023.

<sup>58</sup> Ibid., par. 26.b.

<sup>59</sup> Ibid., par. 28. a.

<sup>60</sup> Tbilisi City Court Decision, N 2/22714-22, 04.11. 2023.

<sup>61</sup> Jalagania L., Social Exclusion of LGBTQ Group in Georgia, 2020, p. 148, <https://cutt.ly/YwDjQuk8>.

leaves young people dependent on their families. “<sup>62</sup> This is challenging for LGBTQ+ community members in Georgia because of the high rate of domestic violence and discrimination in fields of education and employment against them. A study conducted in 2020 showed that out of 211 respondents, 120 (59%) have experienced some form of violence from a family member at least once during the last two years and this was mostly experienced in the age group 24 and younger.<sup>63</sup> Because of domestic violence, a lot of LGBTQI community members lose the financial/emotional support of their families, which leads to social vulnerability, including less access to quality education and employment prospects<sup>64</sup>, starting in a young age. The study also revealed that, overall, LGBTQ individuals have less access to employment opportunities than others do. For most respondents, adequate remuneration and a safe work environment are essential since the low level of acceptance in the workplace significantly affects their motivation. A sizable number of respondents have been victims of workplace discrimination; they have experienced discriminatory acts such as verbal insults, humiliation, and ridicule, along with non-verbal acts, such as spreading rumors; many of them, because of their sexual orientation, experienced discrimination at the interview stage. Consequently, the study results showed that due to the discriminatory climate in the workplace, about 37% of LGBTQ community members ended up quitting their jobs voluntarily.<sup>65</sup> These conditions and ineffective social protection systems, leave LGBTQI community members unprotected against socio-economic challenges.

58. The study conducted in 2022 on the social and economic needs of LGBTQI community members identified that LGBTQI community members do not have information regarding state social protection programs that provide limited support to socially vulnerable persons.<sup>66</sup> Respondents of the study only have minimal experience in terms of using social services. According to respondents, “community members generally do not have access to state social protection and housing services, which is due to lack of communication between the state and public about social protection services”.<sup>67</sup>
59. Exclusion of LGBTQI community members from social protection programs became most visible during a pandemic, when the government didn’t consider special needs, including housing difficulties of community members in its anti-pandemic social schemes.<sup>68</sup> In Georgia, mainly the community-based LGBTQI organizations (NGO’s) are the ones who have overtaken this responsibility and provide services for community members. This practice is not sustainable, can’t cover all needs of community members and is not geographically accessible to those who do not live in big cities of Georgia and therefore, can’t substitute government-funded programs.<sup>69</sup>

#### **4.2. Access to Victim Protection and Assistance Mechanisms for Victims of Hate Crimes**

60. There are no state-funded services available for victims of hate crimes in Georgia. The only system mandated to provide support services to victims of hate crimes is the Witness and Victim Coordinator (coordinator) institution in law enforcement agencies. According to the Criminal Procedure Code of Georgia, the duties of a coordinator consist of providing the victim/witness with necessary information about the investigation/Court hearings, communicating their rights and duties to victims and witnesses, providing them with information about necessary legal, psychological, medical and/or other services, assist

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<sup>62</sup> Jalaghania L. and Chutlashvili K. Domestic Violence Based on Sexual Orientation and Gender Identity: Legal Gaps and Policy Challenges, 2018, p. 21, <https://cutt.ly/NwDjWlmm>.

<sup>63</sup> Aghdgomelashvili E., Impact of Covid-19 Pandemic on LGBT(Q)I Community in Georgia, 2022, pp. 91-93, <https://cutt.ly/jwDjEY6F>.

<sup>64</sup> According to a Social Exclusion Study conducted in 2020, in 60.5% of respondents, the average salary of LGBTQ people does not exceed 1000 GEL, more than one-fifth of the employed respondents work two jobs, which in case of 88.9% of respondents is due to low wages; for 82% of respondents, wages are only enough to buy food, clothes, and household items; most respondents cannot ensure personal savings for future needs, while almost half of the participants have financial liability; it has to be underlined that borrowing often increases their social vulnerability and directly affects the well-being of LGBTQ individuals; Jalaghania L., Social Exclusion of LGBTQ Group in Georgia, 2020, p. 114.

<sup>65</sup> Ibid., p.121.

<sup>66</sup> Jalaghania L., A research on Social and Economic Needs of LGBTQI Community in Georgia, 2022, p.37, <https://cutt.ly/fwDjR7m1>.

<sup>67</sup> Ibid.

<sup>68</sup> According to the anti-pandemic social scheme of the government of Georgia, financial compensations were given to those who had evidence (contract) of employment, completely ignoring people (mostly vulnerable groups, including LGBTQI community members) who work in service provision jobs mostly without formal contracts. Minimal humanitarian aid (which included food and hygiene products) for LGBTQI community members was only distributed once during a pandemic, as an initiative of one public servant and the aid stopped after the person left her employment position in government. Read more regarding this issue at: <https://cutt.ly/CwDjTJ9c>.

<sup>69</sup> LGBTQI community-based NGO’s are located in 3 cities of Georgia.

them in contacting an appropriate body/organization etc.<sup>70</sup> But it needs to be noted that the number of coordinators is limited, which leads to the institution not being able to effectively communicate and support the victims and their communication mainly consists of only formally informing victims about court proceedings.<sup>71</sup>

61. According to surveys conducted in this field, LGBTQI community members who become victims of hate-motivated crimes have a wide range of necessities that are either not met or provided by community-based organizations (NGOs); In some cases, community members stated that they had no information at all regarding these services.<sup>72</sup> The recent study also revealed several barriers LGBTQ individuals face when receiving services at state shelters for victims of violence, where they often encounter a hostile environment from beneficiaries. For this reason, many members of the LGBTQ community themselves refuse to apply for state-funded shelters.
62. Transgender women remain the most vulnerable and marginalized group in the LGBTQ community. The survey revealed that transgender individuals experience one of the highest rates of violence. (61.8%) Due to significant barriers to changing their gender marker in civil acts without surgery<sup>73</sup>, trans people are systematically excluded from many dimensions of social protection. Consequently, the social exclusion of transgender individuals due to the lack of legal gender recognition impacts their entire life cycle.
63. Most transgender women have identity documents that do not match their gender identity. As a result, many of them remain employed in the informal economy with poor working conditions and low income. Moreover, the survey showed that the highest number of those from the LGBTQ community employed in commercial sex work are trans people. The trans group also faces substantial barriers in the healthcare system due to the fact that healthcare providers lack knowledge of trans-specific healthcare, there are no national protocols and guidelines in place for trans-specific healthcare, and health insurance does not cover the health needs of trans people<sup>74</sup>.

### 4.3. Right to Housing

64. Georgian legislation doesn't define the concept of a "homeless person".<sup>75</sup> There is also no statistical data that would identify risks of homelessness in the whole population or the LGBTQI community.<sup>76</sup> LGBTQI people in Georgia are at high risk of homelessness. According to studies conducted with this focus, only 6,1% of community members stated that they own a house, 30.7% change accommodation less often than once a year, 12,5% change it at least once a year and 9.9% have to change it several times every 6 months, mostly due to salary factors (28.6%), because of homo/transphobic attitudes from homeowners (10.5%) and homo/transphobic attitudes of a neighbor (9.5%).<sup>77</sup> According to the same study, 20.9% were at risk of homelessness and 70.1% of respondents with experience of homelessness (N=63) lived with a friend at that time, with a relative (35.8%), and 26.1% had to live on streets. 44.8% of respondents stated that their experience of homelessness related to their identity, 11.9% indicated a partial connection and 43.5% indicated the factor of coming out to family members, while 41.9% named violence on SOGI grounds from a member of the family as a factor of homelessness.<sup>78</sup>
65. There are homeless shelters in Georgia but using these services is difficult for LGBTQ+ community members and in many cases, not safe, especially for adolescent community members who become victims of domestic violence. The burden of provision of shelters falls on community-based NGOs, whose resources are limited and cannot cover all people in need. There is a shelter being administered by a trans-

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<sup>70</sup> Criminal Procedure Code of Georgia, Art. 158<sup>2</sup>.

<sup>71</sup> Public Defender of Georgia, The Rights of LGBT+ People in Georgia, 2021, p. 24, <https://cutt.ly/RwDjUfq6>.

<sup>72</sup> According to a study, 123 respondents (58.3%) stated that they required a psychologist due to violence and only 37 knew where to get the assistance, however, they didn't ask for help, 14 were not able to use it and 4 didn't know about such service. 68 respondents received the service and 52 through community service. Also, according to the survey, 27 respondents required shelter and only 3 received the service through community-based organizations, 5 sought other resources, 4 didn't apply and the rest weren't informed about such services. See, Aghdgomelashvili E., Impact of Covid-19 Pandemic on LGBT(Q)I Community in Georgia, 2022, p. 110.

<sup>73</sup> Read more regarding this issue at: <https://cutt.ly/iwDjSxH8>.

<sup>74</sup> Ibid.

<sup>75</sup> Public Defender of Georgia, The Right of LGBT+ People in Georgia, 2021. p. 43.

<sup>76</sup> Ibid.

<sup>77</sup> Jalagania L. Social Exclusion of LGBTQ Group in Georgia, 2020. p. 148.

<sup>78</sup> Ibid.

led organization for trans persons only, but it's a temporary measure and cannot substitute a long-term, sustainable housing policy that should be administered by the government.

#### **Lists of Issues:**

1. What measures are being taken for social protection programs to be tailored to the individual needs of different vulnerable groups, including the LGBTQI community?
2. What measures are being taken for state-funded services to be in place for victims of violence on the grounds of SOGIESC and what's the exact timeline foreseen for elaboration of such services?
3. What measures are being taken to provide comprehensive statistical data regarding homelessness, the definition of homelessness, elaboration of risk indicators of homelessness and a housing policy that will be tailored to the needs of vulnerable groups, including the LGBTQI community?
4. What measures are being taken in terms of elaborating a fast, transparent, and accessible legal gender recognition mechanism for trans persons?
5. What measures are being taken and what is the timeline in terms of elaborating national medical protocols and guidelines for trans-specific healthcare?

#### **5. The Realization of Social and Economic Rights of Children**

66. Georgia currently lacks a comprehensive, child-sensitive social protection system that helps families cope with unexpected challenges and strengthen them. There are still many gaps in terms of child-oriented policies, financial support and social services. Many vulnerable families are left out of these services.
67. Until 2019, there was no unified, comprehensive legal document in Georgia on the protection of children's rights, and taking into account the current situation in terms of the protection of children's rights, it was necessary to form a unified state vision.<sup>79</sup> In 2019, a significant change in the protection of children's rights took place when the Parliament of Georgia adopted the Code of Children's Rights, which should have a long-term and positive impact on improving the legal status of children. The mentioned code includes all the rights and freedoms of the child and establishes the mechanisms for the protection and implementation of the rights of the child.<sup>80</sup>
68. The Code on The Rights of The Child introduces legal grounds, safeguards, and guarantees for realizing the child's overarching principles, rights, and freedoms. Furthermore, it provides legal guarantees for empowering the child to independently exercise and protect his/her rights.<sup>81</sup> A multidisciplinary cooperation mechanism involving inter alia prosecutors, police officers, lawyers, social workers, and psychologists was set up at central and regional levels to support the implementation of the Code on The Rights of The Child. However, the judiciary has yet to adopt a child-sensitive approach fully.<sup>82</sup>
69. State's actions must be positively evaluated, however, despite adopting the code, there are numerous challenges concerning the protection of children, including child mortality, child poverty, violation of the rights of children in state care, child labor, and rights of children with disabilities.
70. According to the survey conducted by UNICEF in 2023, the under-5 child mortality rate has decreased from 37 per 1000 live births in 2000 to 9 per 1000 live births in 2020 (UN IGME, 2022). The stunting rate has decreased from 16.1% in 1999 to 5.8% in 2018 (WHO, 2022). Since 2013, every child in Georgia has been entitled to public health insurance, including in-patient and out-patient services. However, there are limits on what is covered.<sup>83</sup>
71. Children in Georgia face a higher risk of poverty than any other population group. Georgia still lacks a holistic, child-sensitive social protection system that helps families cope with shocks and strengthen their resilience. Gaps remain in child-centered legislation/policies, monetary benefits, and social services. Many vulnerable families and children are still left behind, especially children with disabilities, children victims of violence, children of national minorities, and children from poor families.<sup>84</sup>

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<sup>79</sup> UNICEF, Access to Justice for Children, Gaps Analysis of the National Legislation of Georgia, 2017, <https://cutt.ly/uwDhAegy>.

<sup>80</sup> Law of Georgia "The Code on The Rights of The Child", <https://cutt.ly/uwDhS92y>.

<sup>81</sup> Ibid.

<sup>82</sup> Joint staff working document, Association Implementation Report on Georgia, 2020, <https://cutt.ly/iwDhF414>.

<sup>83</sup> UNICEF, Child Wellbeing in Georgia, 2023, <https://cutt.ly/AwDhH9DG>.

<sup>84</sup> UNICEF, Child Poverty and Social Protection, <https://cutt.ly/iwDhLkFZ>.

72. Georgia doesn't provide to hasten the process of deinstitutionalization. Specialized facilities<sup>85</sup> for children/persons with disabilities, due to their size and regime, fail to meet the requirement of creating an environment close to the family conditions. Individuals who live in the named facilities for an extended period, or often for the rest of their lives, are segregated and excluded from society. Institutional upbringing, lack of inclusive care, and necessary educational-rehabilitation services lead to the development of the syndrome of dependence on the institution, cause inadequate involvement in public life, and reduce independent living skills.<sup>86</sup> The monitoring in these facilities revealed systemic violations of the rights of children and degrading, inhuman, and equal treatment of minors in the Ninotsminda boarding school, which lasted for years. These cases have not been investigated to this day.<sup>87</sup>
73. The services provided within the state social rehabilitation and childcare program have not changed substantially. The geographical coverage of services needs to be improved. It is impossible to cover all children/individuals with disabilities across the country, as the sub-programs are still not based on statistical or research data.<sup>88</sup>
74. Although the foster care sub-program has been implemented for several years, the services for children and children with disabilities are characterized by several challenges. Among them are the lack of special foster carers, lack of services tailored to the individual needs of children with disabilities, quality of education of beneficiaries, scarcity of measures necessary to promote independent living, creation/provision of an accessible environment, etc.<sup>89</sup>
75. It also became more challenging to assess children's condition and timely identify neglect, labor exploitation, and physical, psychological, and other forms of violence. The lack of coordinated action between agencies, which also indicates the ineffectiveness of the state's child protection policies, was another problem.<sup>90</sup>
76. Given the increased risk of violence against children in pandemic conditions, the introduced restrictions, especially social isolation and distance learning, negatively impacted the rate of violence against children. Among the challenges of the child protection system, the prevention of violence against children, lack of proper rehabilitation services, and shortage of specialists working in the child support system are still alarming.<sup>91</sup>
77. According to the findings of this study, child labor is a widespread practice in Georgia. Due to poverty, poor socio-economic situation, inadequate standard of living, neglect, and various social factors, children engage in labor that poses a risk to their age and development. Despite the seriousness of the issue, the state is not responding effectively to this problem. The responsible agencies have not yet developed an appropriate response mechanism or prevention lever. In addition, there is no risk assessment mechanism. As a result, no effective control of child labor is carried out.<sup>92</sup>

#### **Lists of Issues:**

1. What is the planned timeline of deinstitutionalization?
2. When does the state plan to coincide the Labour code with the ILO conventions regarding children's employment?
3. When does the state plan to develop the plan of combating child poverty?

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<sup>85</sup> Not-for-profit (non-commercial) legal entity of the Patriarchate of the Georgian Orthodox Church "Javakheti's Ninotsminda St. Nino Boarding School for Orphans, Waifs and Children in Need of Care", Not-for-profit (non-commercial) legal entity of the Patriarchate of the Georgian Orthodox Church: "St. Apostle Matthias Foundation's Boarding School in Village Feria"; Rehabilitation Center for Children and Adolescents of the Patriarchate of the Georgian Orthodox Church in Bediani.

<sup>86</sup> Public Defender of Georgia, Monitoring report on specialized facilities for children/persons with disabilities, 2021, p. 5, <https://cutt.ly/BwDhCfkG>.

<sup>87</sup> Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, Public Defender of Georgia, 2021, p. 227, <https://cutt.ly/IwDhVCPf>.

<sup>88</sup> Ibid., p. 16.

<sup>89</sup> Ibid., p. 227.

<sup>90</sup> Ibid., p. 209.

<sup>91</sup> Ibid., p. 206.

<sup>92</sup> Special Report of the Public Defender of Georgia, Child Labour during the New Coronavirus Pandemic and Beyond, 2021, <https://cutt.ly/bwDjnpii>.