



GYLA released the study “The standards set by the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)”

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



On April 16, 2020 Georgian Young Lawyers' Association released the study [] standards set by the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)".

The study conducted by GYLA revealed that even after 7 years since ratification of the Convention, the Persons with Disabilities are still unable to exercise their rights properly. The State has not reflected in Georgian legal system the standards set by the convention. Despite some measures taken by the State to improve the rights of the Persons with Disabilities, they still face systemic obstacles in almost all areas of public life. They are unable to enjoy the rights protected by the Constitution and International Agreements on an equal footing with others.

The Human Rights Action Plan for 2018-2020, the Law of Georgia on [] of all forms of Discrimination and a draft law of Georgia on [] of Persons with disabilities were analyzed within the frameworks of the mentioned study, aimed at establishing the compliance of these legal acts with the UN Convention on the Rights of Persons with Disabilities.

Within the frameworks of aforementioned study GYLA requested public information from various public agencies: Social Services Agency, Civil Service Bureau, the Ministry of Justice of Georgia, National Statistics Office of Georgia and the Government of Georgia.

As a result of the research, the following key findings have been identified:

- Analysis of the Human Rights National Action Plan revealed that majority of the activities under the plan are not realized yet. The mentioned had a negative impact in terms of rights of PWDs.
- There were no significant changes made to Georgian legal system to address the requirements envisaged by the UNCRPD and for implementation of the principles of the Convention.
- The rule for determining the status of the PWDs is still based on medical diagnosis of the person. PWDs statistics and analysis remains the problem, which is essential for effective implementation of the Convention and establishment of the approaches based on policy, program planning and implementation requirements.

- The Government of Georgia have not yet designated the state body responsible for coordination of the UN Convention on the Rights of Persons with Disabilities.
- The Parliament of Georgia have not yet ratified the Optional Protocol of the Convention, which would allow persons with disabilities to address directly the UN relevant committees in the event of a violation of their rights.

The study has found:

- One of the major challenges is the malfunction of the physical environment and infrastructure and absence of relevant legal system for this issue;
- The individual needs of PWDs are not defined in the state programs in terms of realization of the right to health; furthermore, there are no adult rehabilitation programs;
- In terms of inclusive education, one of the main challenges is accessible physical environment of public schools. A change, according to which the special education teacher has been equated with the teacher □□ category, can be assessed positively. However, a small number of special education teachers and lack of a personal assistants in schools remain a problem.

Based on the findings, the relevant recommendations were prepared. GYLA hopes that bearing the mentioned in mind, it will be possible to develop the concept of a legal system for the rights of PWDs, which will be close to high standards and ensure improvement of the legal status of PWDs.

The study was conducted by GYLA within the framework of the project "Protection and Promotion of Social-Economic Rights of the Most Vulnerable Persons and Communities in Georgia" funded by the BFDW- Foundation "Bread for the World" (BFDW).