



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Georgia\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please provide information on:

(a) Progress made towards the adoption of the bill on the rights of persons with disabilities, as well as effective mechanisms established and practical measures taken, particularly in urban and remote areas, to ensure and promote the full realization of the guarantees contained in the Convention and to abandon the medical model, which is still being widely used. Please indicate whether the bill defines the terms “reasonable accommodation” and “universal design” in line with the Convention and explain to what extent these concepts are incorporated into national and municipal policies and programmes;

(b) Results achieved through the implementation of the National Strategy on Human Rights for 2014–2020 and the action plans on human rights for 2014–2015, 2016–2017 and 2018–2020; and steps taken, if any, to develop a strategy and action plan on the rights of persons with disabilities;

(c) Steps taken to ensure and promote the effective participation of organizations of persons with disabilities, including the participation of women and children with disabilities and in both urban and rural areas, in the design and monitoring of legislation, policies, programmes and regulations relevant to persons with disabilities;

(d) Any steps taken to ratify the Optional Protocol to the Convention, including a corresponding time frame.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

2. Please provide information on the measures taken:

(a) To ensure that legislation, including the Law of Georgia on Social Protection of Persons with Disabilities, complies with the Convention, taking into account the Committee’s general comment No. 6 (2018) on equality and non-discrimination, and that it provides equal and effective legal protection against all forms of discrimination on the basis of disability, including multiple and intersectional discrimination and discrimination against lesbian, gay, bisexual, transgender and intersex persons with disabilities;

(b) To recognize the denial of reasonable accommodation as a form of discrimination on the grounds of disability in the public and private spheres;

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\* Adopted by the pre-sessional working group at its thirteenth session (30 March–3 April 2020).



(c) To prevent, investigate and sanction all forms of discrimination against persons with disabilities, and to ensure effective, accessible and affordable access to remedies and redress for all persons with disabilities.

**Women with disabilities (art. 6)**

3. Please provide information on the measures taken:

(a) To mainstream the rights of women and girls with disabilities and to ensure that all policies and programmes adhere to the Convention and are in line with the Committee's general comment No. 3 (2016) on women and girls with disabilities and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence;

(b) To ensure that the Law of Georgia on Gender Equality prohibits the multiple and intersectional discrimination faced by women and girls with disabilities, with details on enforcement mechanisms;

(c) To ensure the participation and inclusion of women and girls with disabilities in decision-making bodies, particularly women and girls with disabilities living in rural areas and older women with disabilities.

**Children with disabilities (art. 7)**

4. Please provide information on:

(a) The Code on the Rights of the Child, as far as children with disabilities are concerned, and the consultations held with children with disabilities through their representative organizations regarding the development, adoption and implementation of legislation that concerns them;

(b) Children with disabilities living in poverty, including statistical data, and the steps taken to ensure that the specific requirements of children are taken into consideration in measures to improve their living conditions, including the guarantee of adequate housing;

(c) The measures adopted to ensure the adaptation of services of child social protection programmes to the specific requirements of individual children with disabilities, and the implementation of an effective referral system as recommended by the Committee on the Rights of the Child (CRC/C/GEO/CO/4, para. 30 (a));

(d) The provision of services, including habilitation and rehabilitation services, in all areas under effective control of the State party, including to children with autism and to children with disabilities who are non-nationals;

(e) The current status of the process aimed at the deinstitutionalization of children with disabilities as mentioned in paragraph 229 of the State party's report (CRPD/C/GEO/1), and the measures taken to provide sufficient alternative care arrangements in family settings for children deprived of a family environment, in both urban and rural areas, as recommended by the Committee on the Rights of the Child (CRC/C/GEO/CO/4, para. 30 (b)).

5. Please provide information on the measures taken:

(a) To ensure that children with disabilities, in rural and remote areas and in foster care, have access to health care and education;

(b) To raise awareness of the rights of children with disabilities and the services available for children with disabilities among the children themselves and their parents and relatives, including adoptive and foster parents and families, particularly in rural areas;

(c) To enforce the prohibition of corporal punishment of children.

**Awareness-raising (art. 8)**

6. Please provide information on the steps taken:

(a) To promote awareness of the rights of persons with disabilities under the Convention among persons with disabilities themselves, judicial and law enforcement officers, and service providers;

(b) To address stereotypes and prejudice against persons with disabilities, particularly persons with intellectual or psychosocial disabilities, in all aspects of life.

#### **Accessibility (art. 9)**

7. Please provide information on:

(a) Measures taken to ensure access to public and private services at the State and municipal levels, including health care, education and transport services, and to accommodation and communication for persons with disabilities, including for persons with visual or hearing impairments and for persons with intellectual or psychosocial disabilities;

(b) Mechanisms in place or planned to monitor the effective implementation of accessibility standards and applicable penalties for non-compliance, in accordance with articles 178<sup>1</sup> and 178<sup>2</sup> of the Administrative Offences Code of Georgia as mentioned in paragraph 37 of the State party's report;

(c) Steps taken to guarantee access for all persons with disabilities to printed and electronic information and communications provided to the public, by, inter alia, providing such information in Braille and other augmentative and alternative modes and means of communication;

(d) The close consultation and active involvement of persons with disabilities, including women and children with disabilities, through their representative organizations, in the development of legislation and action plans on accessibility.

#### **Right to life (art. 10)**

8. Please provide information on how the right of a relative or a legitimate representative to decline resuscitation, end-of-life care and palliative care for a person with a terminal illness who is unconscious, under article 148 (2) of the Law of Georgia on Health Care, affects persons with disabilities, particularly persons with intellectual or psychosocial disabilities.

#### **Situations of risk and humanitarian emergencies (art. 11)**

9. Please provide information on the efforts made:

(a) To ensure the participation and consultation of organizations of persons with disabilities in the design, implementation, monitoring and evaluation of disaster risk reduction and inclusive evacuation strategies and policies, including under the National Strategy and Action Plan for Disaster Risk Reduction (2017–2020);

(b) To set up accessible warning systems and provide official information about emergency services in all formats, including sign language;

(c) To guarantee that internally displaced persons with disabilities have access to emergency accommodation and disability-inclusive humanitarian assistance and are treated in accordance with the Guiding Principles on Internal Displacement;

(d) To establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the rights of persons with disabilities on an equal basis with others, and specifically in the context of the public health emergency resulting from the coronavirus disease (COVID-19) pandemic. In particular, please inform the Committee about the measures taken to provide persons with disabilities with accessible information concerning the virus's scope and prevention of the virus; to ensure continuous access to support and mainstream community services, including in-home care and personal assistance; to provide equal access to health care, including life-saving measures; and to ensure that disability pensions and social benefits are guaranteed at all times.

**Equal recognition before the law (art. 12)**

10. Please provide information on the jurisprudence of the courts with respect to the reformed legislation on legal capacity. Please expound particularly on whether the courts follow the new model of legal capacity in their decisions, and to what degree they perpetuate the old model under the new legislation.

11. Please provide information on the steps taken:

(a) To review the relevant legislation with a view to abolishing all restrictions applied to persons assigned the status of “support recipient”, which limit their full enjoyment of their rights to health, to employment and to participate in public life, and the possibility of their marrying without a wedding contract or being a foster or adoptive parent. Please provide information on the mechanisms in place to monitor and assess the activities and role of support providers and clarify how they adhere to the Convention;

(b) To establish a supported decision-making regime that complies with the Convention, taking into account the Committee’s general comment No. 1 (2014) on equal recognition before the law.

**Access to justice (art. 13)**

12. Please provide information on the steps taken:

(a) To ensure that persons with disabilities, especially persons with intellectual or psychosocial disabilities, women with disabilities and persons who are blind or have visual impairments, have effective access to justice, including through the provision of procedural and gender- and age-appropriate accommodation throughout legal processes, particularly judicial and administrative processes;

(b) To ensure the training of justice system personnel on the rights of persons with disabilities, the provisions of the Convention and its implementation in national law, including on the requirements of article 12 of the Convention.

**Liberty and security of the person (art. 14)**

13. Please provide information on:

(a) The measures taken to implement the rights of persons with disabilities in penal institutions, including providing primary assessments, accessible infrastructure and services, rehabilitation services and access to health services, training prison personnel and ensuring access to confidential complaint mechanisms;

(b) The current laws and practices regarding the deprivation of liberty of persons based on their disability, particularly in the case of intellectual or psychosocial disabilities;

(c) The use of restraints and involuntary medication in institutions depriving persons with disabilities of their liberty, and the measures taken to end and fully prohibit such practices;

(d) The measures taken to oppose, in its current form, the draft additional protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, entitled “The protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment”, in accordance with the statement adopted by the Committee during its twentieth session;

(e) The measures taken to ensure the liberty and security of children with disabilities, and to prevent children with disabilities from being placed in psychiatric and any other form of institutions.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

14. Please provide information on:

(a) The measures taken to eliminate in law, policy and practice all forms of forced medical procedures and treatment, chemical and mechanical restraints, seclusion and isolation and other forms of ill-treatment in all settings, with particular attention to persons with intellectual or psychosocial disabilities;

(b) Procedural accommodation available to persons with disabilities under article 21<sup>18</sup> of the Administrative Procedure Code, in first-instance release proceedings and on appeal;

(c) The measures taken and planned to improve the safety of lesbian, gay, bisexual, transgender and intersex persons with disabilities in closed institutions.

#### **Freedom from exploitation, violence and abuse (art. 16)**

15. Please provide information on:

(a) The measures taken to prevent, prohibit and prosecute all forms of exploitation, violence and abuse against persons with disabilities, including women and girls with disabilities and lesbian, gay, bisexual, transgender and intersex persons with disabilities, particularly in rural areas, and to ensure the availability of accessible reporting mechanisms;

(b) Access to medical and psychological care and rehabilitation, to justice and compensation and to social reintegration services for women with disabilities who become victims of violence, in particular sexual violence;

(c) Current statistical data on cases of exploitation of and violence and abuse, including sexual abuse, against persons with disabilities, disaggregated by sex, age, sexual orientation, gender identity and geographical location.

#### **Protecting the integrity of the person (art. 17)**

16. Please provide information on measures taken or planned:

(a) To eliminate forced or involuntary sterilization of persons with disabilities, particularly persons with intellectual or psychosocial disabilities;

(b) To ensure that persons with disabilities are not discriminated against in accessing medical procedures, such as in vitro fertilization.

#### **Living independently and being included in the community (art. 19)**

17. Please provide information on:

(a) The measures taken to end the institutionalization of persons with disabilities, including older persons with disabilities, children with disabilities and persons with intellectual or psychosocial disabilities, taking account of general comment No. 5 (2017) on living independently and being included in the community, and to prevent reinstitutionalization in smaller institutions;

(b) The measures taken to establish accessible and affordable housing in the community and community-based support to enable adults with disabilities to choose where and with whom they live on an equal basis with others.

#### **Personal mobility (art. 20)**

18. Please provide information on:

(a) The annual budget allocation for the subprogramme on the provision of supporting equipment within the State Programme on Social Rehabilitation and Childcare, and the proportion of persons with disabilities under this programme, disaggregated by impairment, in both urban and rural areas;

(b) The measures taken to provide persons with disabilities who are not covered by the subprogramme on the provision of supporting equipment with mobility aids and assistive devices; and the corresponding annual budget allocation;

(c) The measures taken to ensure that construction and other infrastructure planning in both urban and rural areas guarantee personal mobility; and monitoring mechanisms in this regard.

**Freedom of expression and opinion, and access to information (art. 21)**

19. Please provide information on:

(a) The laws, policies and programmes in place to ensure full access for persons with disabilities to public information, including about public events and on the television, radio and Internet;

(b) The policies, programmes and budget allocation in place to facilitate the use of sign language and other appropriate modes, means and formats of communication, such as Braille, audio or tactile information, augmentative and alternative communication, Easy Read and pictograms, in formal and informal interactions;

(c) The steps taken to increase the number of qualified sign language interpreters in public and private sectors;

(d) The implementation, on the basis of annex XXXIII of the association agreement between the European Union and Georgia, of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in member States concerning the provision of audiovisual media services.

**Respect for privacy (art. 22)**

20. Please provide information on:

(a) The steps taken to ratify the Protocol Amending the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (Council of Europe Treaty Series No. 223);

(b) The standards planned, enacted or implemented for the protection of the personal data of persons with disabilities in health care.

**Respect for home and the family (art. 23)**

21. Please provide information on legal and other measures taken:

(a) To prohibit separation of children from their parents on the basis of the children's disability or the parents' disability, including in boarding houses;

(b) To provide support to children with disabilities and their families, and to parents with disabilities in carrying out their parental responsibilities.

**Education (art. 24)**

22. Please provide information on:

(a) The implementation of the Law of Georgia on Early and Preschool Education (2016) and the allocated human, technical and financial resources at the State and municipal levels. Please provide statistical data on the percentage of children with disabilities enrolled under this law, disaggregated by impairment, age and sex, in both urban and rural areas;

(b) The composition of the multidisciplinary group referred to in paragraph 162 of the State party's report, the professional background and experience of its members, and training programmes for all educational personnel on inclusive education and reasonable accommodation;

(c) The percentage of children with disabilities in inclusive education in regular schools, disaggregated by impairment, age and sex, in both urban and rural municipalities;

(d) Access by young people and adults with disabilities to mainstream university and vocational education and the possibilities for entering the open labour market.

**Health (art. 25)**

23. Please provide information on:

(a) The measures taken to ensure accessible health-care facilities, services and equipment, especially in rural areas, for persons with disabilities;

(b) Steps taken or planned to extend early identification and intervention to all disabilities and to all children and adults;

(c) The measures taken to ensure that persons with disabilities, particularly women and girls with disabilities, have access to comprehensive health-care services related to sexual and reproductive health and rights, on an equal basis with others;

(d) Training provided to health-care personnel on the rights of persons with disabilities.

**Habilitation and rehabilitation (art. 26)**

24. Please provide information on:

(a) The implementation of the provisions under chapter III of the Law of Georgia on Social Protection of Persons with Disabilities, including but not limited to the funding provided, training programmes for medical personnel, and the availability of individualized habilitation and rehabilitation programmes and of programmes specifically targeted at the requirements of persons with disabilities in rural areas, particularly women and girls;

(b) Results achieved in implementing the Governmental Action Plan of 2014–2016 on ensuring equal opportunities for persons with disabilities, and the current plan in place, with the aim of introducing State-wide habilitation and rehabilitation programmes;

(c) The measures taken to assess and monitor habilitation and rehabilitation services.

**Work and employment (art. 27)**

25. Please provide information on:

(a) The implementation of the provisions under chapter V of the Law of Georgia on Social Protection of Persons with Disabilities, including existing policies, implementation mechanisms, action plans and other measures taken. Please indicate the percentage of persons with disabilities who are employed in the public and private sectors, disaggregated by impairment, sex and age;

(b) The current status of the programme for the development of the employment promotion services, or its successor. Please provide statistical data on the persons employed under this programme, disaggregated by impairment, sex, age, duration of employment, professional qualification and geographical coverage;

(c) Any programmes designed to increase the employment of persons with disabilities, in particular of women with disabilities, in rural areas in the open labour market;

(d) The availability of accommodation measures in the workplace, in public and private employment, and the availability of social assistance for civil servants with disabilities.

**Adequate standard of living and social protection (art. 28)**

26. Please provide information on:

(a) The steps taken to ensure that persons with disabilities are able to participate in existing poverty reduction programmes at all levels of government;

(b) The steps taken to revise the social protection system according to the human rights model to disability, and the assessment procedures and criteria with respect to persons with disabilities;

(c) The measures taken at all levels of government, including at the level of municipalities, to provide adequate housing to persons with disabilities, according to article 5 (4) of the Constitution of Georgia. Please indicate the proportion of persons with disabilities entitled to these measures, disaggregated by impairment, sex, age and geographical location.

#### **Participation in political and public life (art. 29)**

27. Please provide information on the measures taken to ensure:

(a) That all elections, referendums and plebiscites are accessible to all persons with disabilities, including to persons with intellectual or psychosocial disabilities and to persons with disabilities still in inpatient medical facilities, that the confidentiality of the ballot is respected, and that the personnel of electoral management bodies are trained on the right of persons with disabilities to vote;

(b) That persons with disabilities, particularly women, can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right of persons with disabilities to vote and be elected.

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

28. Please provide information on measures taken:

(a) To ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, including a corresponding time frame;

(b) To ensure that persons with disabilities, including children with disabilities, can participate in inclusive sporting, leisure and cultural activities, and indicate the budget allocated, in relative figures.

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

29. Please provide information on the measures taken:

(a) To collect statistical and research data to enable the formulation of policies that give effect to the Convention, disaggregated by age, sex, impairment, ethnic and national origin, migration status, geographical location and socioeconomic status, and to develop the corresponding indicators and benchmarks;

(b) To disseminate these statistics and ensure their accessibility to persons with disabilities.

#### **International cooperation (art. 32)**

30. Please provide information on the measures taken:

(a) To continue and intensify cooperation with the international community in order to ensure access for international human rights and humanitarian actors and monitoring mechanisms to Abkhazia and the Tskhinvali region/South Ossetia to monitor, report and address the human rights situation of internally displaced persons, including persons with disabilities;

(b) To closely consult and actively involve organizations of persons with disabilities in the design and implementation of international cooperation initiatives.

#### **National implementation and monitoring (art. 33)**

31. Please provide information on:



(a) Challenges faced by the State Coordination Council working on issues concerning persons with disabilities and the Human Rights Secretariat in the Administration of the Government, as designated focal points. Please indicate measures and steps taken or planned to ensure the coordination of the implementation of the Convention, including at the municipal level, and the allocation of human, technical and financial resources for its effective functioning;

(b) The role and capacity of the Public Defender's Office in the promotion, protection and monitoring of the implementation of the Convention, and the allocation of technical, financial and human resources to carry out its mandate effectively;

(c) The extent to which persons with disabilities and their representative organizations are involved in the monitoring of the implementation of the Convention.

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