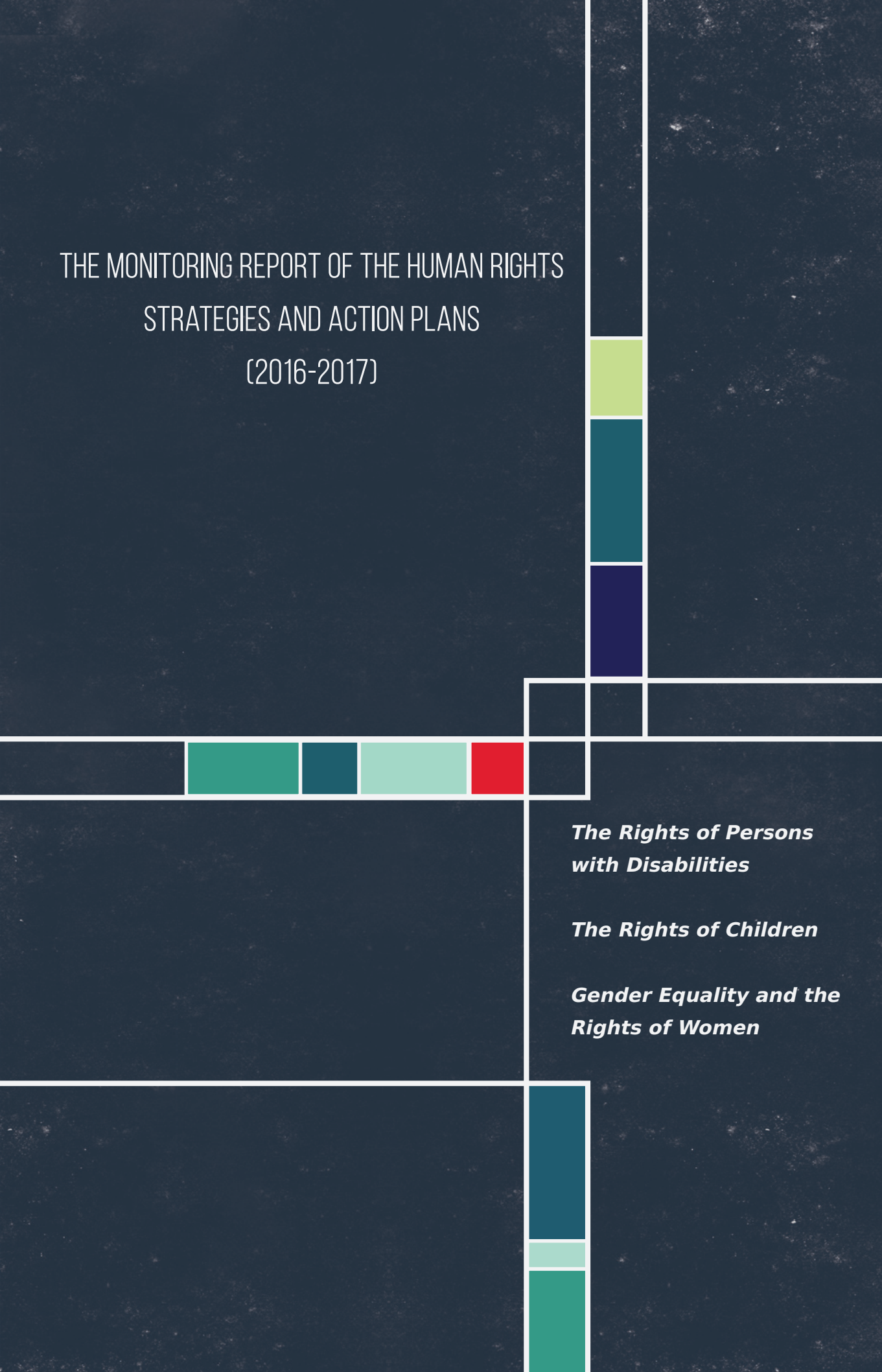


THE MONITORING REPORT OF THE HUMAN RIGHTS
STRATEGIES AND ACTION PLANS
(2016-2017)



*The Rights of Persons
with Disabilities*

The Rights of Children

*Gender Equality and the
Rights of Women*

The Rights of Persons with Disabilities
The Rights of Children
Gender Equality and the Rights of Women

**The Monitoring Report of the Human Rights-related Strategies
and Action Plans
(2016-2017)**

This document contains findings of the monitoring regarding the implementation of the Governmental Human Rights Action Plan for 2016-2017 years, which concerns the rights of persons with disabilities, the rights of children, gender equality and the rights of women. This report is part of major research that is being carried out by several organizations to monitor human rights-related strategies and action plans. A unified report also includes monitoring of the issues such as, criminal justice; right to fair trial; Prosecutor's Office; protection of human rights in the penitentiary system and fight against torture and ill – treatment; freedom of expression and assembly; the rights of religious minorities and LGBTI persons. This report has been shared with the governmental agencies, responsible for the implementation of the Action Plan for the expression of their points of view.

The monitoring of Human Rights-related Strategies and Action Plans is supported by the USAID-funded East-West Management Institute's (EWMI) Program "Promoting Rule of Law in Georgia" (PROLoG) and the "Open Society Georgia Foundation" (OSGF). In the framework of the project a unified monitoring methodology was also developed aiming at facilitating of the monitoring of the similar action plans in the future.

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Methodology

For the purposes of monitoring the implementation of the Human Rights Action Plan and other related action plans, the following instruments were used:

Analysis of legislation and policy papers

One of the most important sources for monitoring was the existing legislative framework and practice based on this framework. Therefore, human rights strategies, action plans, normative acts and other official documents were processed and used. This information created a normative context for each activity and enabled the evaluation of their adequacy and effectiveness on one hand, and the scope of their implementation on the other hand. This is especially important in relation to the activities that envisage legislative amendments in one direction or another.

Study of international standards and practice

In addition to the domestic legislative normative framework, international standards (international agreements and treaties, as well as systems of case laws, recommendations and comments) and relevant practice. This is especially important in relation to the objectives and aims that envisage amendments to the Georgian legislation in order to ensure its convergence with international standards. The use of international standards also made it possible to assess the adequacy and effectiveness of aims and relevant objectives and activities.

Definition of the importance of international standards in specific chapters of the governmental action plan

Research of international standards and practices is essential in relation to the specific chapters of the action plan that envisage convergence of domestic legislation and practice to “international standards” as one of their objectives or aims. Before evaluating the activities envisaged by the responsible authority to achieve a specific aim or the progress in terms of achieving that aim, the specific meaning behind “international standards” was defined.

Firstly, in each case, the study focused on the specific right that the mentioned aim/objective was related to. Accordingly, the European Convention on Human Rights and the practice of the European Court of Human Rights, or the UN Convention and approached elaborated by relevant treaty bodies were considered as international standards.

In the exceptional cases when the above-mentioned bodies had no international practice related to the case in question, best practices of other states with relevant models for Georgia were regarded as the international standard.

Freedom of Information requests from responsible state bodies

The primary sources of information in the monitoring process were the responsible state bodies envisaged by the action plan. Therefore, during the monitoring process, information related to the fulfillment of each activity was regularly requested from these bodies.

Analysis of secondary sources

Additionally, the reports, research studies, and evaluations/assessments published by local and international organizations, as well as the Public Defender of Georgia, represented an important source for monitoring. The reports of the Public Defender are often among the indicators envisaged by the action plan. Hence, such information created the possibility of a more comprehensive evaluation of the progress in terms of achieving a specific aim or objective, as well as the scope of fulfillment of different activities.

Focus groups

In the monitoring process, additional information was obtained through focus groups. This included meetings with beneficiaries, community organizations and persons related to beneficiaries (parents, etc.), which enabled, on one hand, identification of problems they encounter and, on the other hand, assessment of the impact of activities envisaged by the action plan.

Individual interviews and workshops

In addition to requesting documents, the monitoring process also envisaged meetings with state bodies and other actors. These interviews made it possible to obtain additional information about the fulfillment of activities, as well as the definition of ambiguous terms in the action plan, etc. Workshops and individual interviews were also conducted with specialists of relevant issues, representatives of academic circles, etc.

The Rights of Persons with Disabilities

Human Rights Education and Monitoring Center (EMC)
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ადამიანის უფლებების სწავლებისა და მონიტორინგის ცენტრი

EMC

Human Rights Education and Monitoring Center



Executive Summary

The protection of the rights of the persons with disabilities, taking into consideration the existing fundamental challenges in this area, represents a significant difficulty for the country, which also concerns the necessity for the State to make essential and important efforts in this direction. The monitoring of the Chapter 19 of the Governmental Action Plan (the rights of persons with disabilities) shows that, in certain cases, the Governmental Action Plan for Human Rights for 2016-2017 years answers the existing significant challenges in terms of protecting of the rights of persons with disabilities, however, at the same time, the Plan doesn't cover number of fundamental rights and systemic problems, which persons with disabilities still face. At the same time, the activities defined for the tasks set out in the Plan, in certain cases, provide with the relevant steps to achieve the Plan, however, in many cases, the activities are quite narrow and limited, and as a result, even in the case of their full implementation, the possibility of the essential transformation in terms of equal enjoyment of the rights is excluded. For example, access to political and community life for the persons with disabilities in the Plan is mainly considered as the obligation of the Central Election Commission; also, according to the Plan, the expansion of the geographical area of the community organizations' sub-program is qualified as a sufficient activity for ensuring the independent living for the persons with disabilities.

The implementation of the Action Plan indicates that the fundamental tasks/activities, such as the establishment of an appropriate institutional framework for the enactment of the UN Convention, as well as, the activities related to the revision of fundamental legislative acts and the preparation/piloting of the social model of assessment, have not been fulfilled. At the same time, there is some progress with regard to the several directions, (such as, an employment policy, introduction of the vocational education, promotion of the independent living, establishment of an institutional framework of the pre-school education, increase of the participation in political and cultural life) however, in certain areas, the progress is insufficient in order to consider the activities fulfilled. At the same time, while monitoring the state of the implementation of the Plan, it becomes clear, that due to the absence of the appropriate national instruments, it is impossible to evaluate the exact impact of the implemented activities on many spheres of the human rights situation, however, by 2017, in particular, by the conclusion of the Plan, the general indicators, at this point, proved that number of fundamental challenges still exist and the level of the participation of the people with disabilities in the labor market, general and vocational educational system, social and political life, remains low.

General Assessment of the Chapter of the Rights of the Persons with Disabilities

The protection of the rights of persons with disabilities, especially due to the fundamental problems existing in this field, represents the special challenge for the country. Georgia expressed its willingness to base the state policy and practice on the given document by ratifying the United Nations Convention on the Rights of the Persons with Disabilities; the mentioned document is the main international act, which defines the protection of the rights of persons with disabilities and implies the State's obligation to ensure that persons with disabilities have equal access to human rights and freedoms. Thus, the structure of the Governmental Action Plan, its tasks and their accomplishments have been assessed in the light of the standards set by the Convention.

Monitoring revealed that, the activities reflected in the Governmental Action Plan aiming at protecting of the rights of persons with disabilities, do not fully respond to the existing challenges, since, in most cases, the state did not have the legal framework corresponding to the standards of the Convention, as well as, the institutional framework for the implementation and coordination of the Convention, complete statistics of the persons with disabilities, social model and the state policy based on the research and coherent vision. As a result, among the substantial challenges in the terms of the realization of the rights of persons with disabilities were - inadequate physical and information space, including, public and private infrastructure, lack of effective mechanisms for health and social care, presence of large psychiatric and daily care institutions and the lack of community services, insufficient mechanisms for participating in education, labor, employment and public or political life, which ultimately fails to ensure the realization of the rights of persons with disabilities and leaves this group without a chance of participation in many areas of life.¹

Chapter 19 of the Governmental Action Plan for Human Rights for 2016-2017 years (the rights of persons with disabilities) covers essential challenges for the persons with disabilities in some areas, however, in most cases, the plan does not fully take into account the appropriate activities necessary for the implementation of the tasks. At the same time, there are some problematic areas not covered by the Plan, such as, the state obligations to improve the mental health care, processing of the statistics and information concerning the persons with disabilities, liberty and security of the person, protection from torture or cruel, inhuman or degrad-

¹ The Report of the Public Defender of Georgia on the Protection of Human Rights and Freedoms in Georgia, 2015, pp. 725-727

ing treatment, exploitation, violence and humiliation as well as, the protection of the personal inviolability, access to justice, freedom of movement, freedom of expression of opinion and faith, access to information, inviolability of private life, respect for home and family, an adequate standard of living and the obligations to implement relevant activities for the improvement of social protection.

In certain cases, the activities envisaged for the realization of the rights as described in the Plan, are not comprehensive and do not include significant components of rights. Among them, the issues of strengthening of the persons with disabilities and their families, as well as, awareness raising and gender equality issues are mostly not reflected in the document. At the same time, the problem of relevance of the activities is frequent with relation to the tasks set out in the Plan. Also, indicators designed for measuring the activities of Chapter 19 mostly do not represent the relevant indicators for the measurement of these activities, which often makes it impossible to measure the outcomes of the activities and their impact on the human rights situation. Furthermore, the issue of indication of the budgetary resources necessary for the implementation of the activities is also problematic (with some exceptions).

At the same time, it is important that before the development of the current Governmental Action Plan, the national State Action Plan for 2014-2016 years for Ensuring the Equal Opportunities for Persons with Disabilities was operating, which provided with much more detailed description of the activities and tasks required for the implementation of the Convention, which, in some cases, coincided with the tasks and activities of the Governmental Action Plan. However, according to the information provided by the Georgian Government, the state has not prepared a report on the implementation of the Plan.²The analysis of the requested information regarding the implementation of the Plan shows that the efforts of the state regarding the implementation of the Plan had a formal character and the planning of the policy did not aim at actual implementation of the obligations under the Plan. This reiterates the formalistic attitude of the Government towards the already existing special Action Plans. Consequently, in the absence of the Governmental report, the detailed examination of the special Action Plan by the monitoring group has no purpose. Before the Plan was developed, the Mental Health Development Strategy and the Action Plan for 2015-2020 years had been in force in the country, which defines the ways to solve the major challenges in the field of the mental health in Georgia in a detailed manner. However, the Governmental Action Plan did not include the vision of the development of the mental health care within the Plan, which would connect it to the special Action Plan developed in the above mentioned field.

² Correspondence N 27541 of the Administration of the Government of Georgia, September 5, 2017

The monitoring results of the Governmental Action Plan for Human Rights for 2016-2017 years revealed that in certain cases, the Governmental Action Plan answers the existing significant challenges in terms of protecting the rights of persons with disabilities on the task level, however, at the same time, the Plan doesn't cover number of fundamental rights and systemic problems, which persons with disabilities still face. For example, the Plan does not include necessary measures for the mental health care, as well as the measures for the production and processing of the statistical data, ensuring of the social care and the realization of right to adequate housing, etc. At the same time, the activities for achieving the tasks of the Plan, in certain cases are relevant for the purposes of the mentioned Plan, however, in many cases, activities are limited, and as a result, even in the case of their full implementation, the possibility of the essential transformation in terms of equal enjoyment of the rights is excluded. For example, access to political and community life for the persons with disabilities in the Plan is mainly considered as the obligation of the Central Election Commission; also, according to the Plan, the expansion of the geographical area of the community organizations' sub-program is qualified as a sufficient activity for ensuring the independent living for the persons with disabilities. The state of implementation of the Action Plan shows that certain fundamental tasks/activities, such as, the establishment of an appropriate institutional framework for the implementation of the UN Convention, as well as, the activities related to revision of fundamental legislative acts and preparation/piloting of the social model of the assessment have not been fulfilled. There has been some progress in the development of the employment policies, introduction of the vocational education, promotion of the independent living, establishment of an institutional framework for pre-school education, and the increase in participation in the political and cultural life, however, in many cases it is insufficient to consider that the mentioned activities have been fully implemented. At the same time, the monitoring shows that due to the lack of the proper national instruments, it is impossible to assess the exact impact of the implemented activities on many spheres of the human rights situation, however, by 2017, in particular, by the conclusion of the Plan, the general indicators, at this point, proved that the number of fundamental challenges still exist and the level of participation of the persons with disabilities in the labor market, general and vocational educational systems, social and political life remains low.³

³ See detailed description of the state of implementation of the Plan in the light of each task and activity

Assessment of the tasks defined by the Chapter of the Rights of the Persons with Disabilities

In the framework of the assessment of the tasks defined in the Chapter 19 of the Governmental Action Plan for Human Rights, the focus is on reviewing the human rights situation of the persons with disabilities in the country prior to the development of the Plan; specifically, it is examined how the activity/activities designed for achieving the particular task are able to improve the state of the rights of persons with disabilities. The quality of the implementation and the scope of the activities based on the predetermined indicators of the Plan have also been analyzed.

Adapting of the legislative base to the international standards for the purpose of protecting the rights of persons with disabilities

Assessing the relevance of the task and activities

Prior to the development of the Governmental Action Plan for Human Rights for 2016-2017 years, the main challenge in the country was the implementation of the Convention on the Rights of Persons with Disabilities. In particular, the challenge was the harmonization of the legislation with the Convention and the proper implementation of its provisions in practice.⁴ Part of the legislative acts was not in compliance with the Convention, even opposed to it.⁵ After the ratification of the Convention, major changes were related to the revision of the concepts; however, it only addressed the definition⁶ of a person with disabilities and was not followed by the legislative changes in order to introduce the evaluation system based on the social model instead of the medical model. The legislative acts used terms such as “disabled”⁷, “becoming an invalid”⁸. By the beginning of 2016, the Georgian legislation was not familiar with the concepts of “reasonable accommodation” and “universal design”⁹. Although, the existing technical regulation on the accessibility to the physical environment mentions

4 The Parliamentary Report of the Public Defender of Georgia on the Status of Human Rights and Freedoms in Georgia, 2015. p. 725, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, visited: 01.02.2018

5 The Parliamentary Report of Public Defender of Georgia on the Status of Human Rights and Freedoms in Georgia, 2016, p. 663, <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, visited: 28.01.2018

6 The Research of Human Rights Education and Monitoring Center, “Guideline for the implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD)”, 2014, p. 11, <https://emc.org.ge/2014/08/18/uncrpd-is-imlementaciis-gaidlaini/>, visited: 01.02.2018

7 Order No. 999 of December 31, 2013 of the Minister of Internal Affairs of Georgia “On the Approval of the Code of Ethics of the Georgian Police and the Instruction for Conduct of Some Employees of the Ministry of Internal Affairs of Georgia”, Appendix 2, <https://www.matsne.gov.ge/ka/document/view/2152364>, visited: 01.02.2018

8 Law of Georgia “on Health Care”, Article 3, Subparagraph T1, <https://matsne.gov.ge/ka/document/view/29980>, visited: 01.02.2018; Law of Georgia “on Patient Rights”, Article 12; <https://matsne.gov.ge/ka/document/view/16978>, visited: 01.02.2018; Law of Georgia “on General Education”, Article 485, <https://matsne.gov.ge/ka/document/view/29248>, visited: 01.02.2018

9 The Parliamentary Report of the Public Defender of Georgia on the Protection of Human Rights and Freedoms in Georgia, 2016, p. 663, <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, visited: 28.01.2018

the concept of “universal design” in relation to the accessibility to the physical environment, but does not define it.¹⁰

The progress of the implementation of the Plan

The issue of bringing the Georgian legislation in conformity with the UN Convention on the Rights of the Persons with Disabilities has been reflected in the Governmental Action Plan of Human Rights for 2016-2017 years and one of the tasks (19.1.1) was defined as “adopting legal framework in accordance with the international standards for the purpose of protecting the rights of persons with disabilities”. In accordance with the Plan, in order to fulfill the task, in the first place it was necessary to review the legislation of Georgia in accordance with the Convention (activity 19.1.1.1), and the legislative amendments should have been followed by the development of the relevant by-laws.(Activity 19.1.1.2.).

Although the problem of harmonization with the Convention on the Rights of Persons with Disabilities was reflected in the Governmental Action Plan for 2016-2017 years, the objectives of the tasks are still unfulfilled. No substantial amendments were made to the national legislation for the purpose of bringing it in conformity with the requirements of the Convention, and the measures were not carried out in the direction of the systemic revision of the legislation. In particular, the legislative changes in the direction of introducing social model of assessment should be mentioned. Despite the adoption of the definition of the person with disabilities in accordance with the Convention, the process of granting of the status is still based on the medical diagnosis. Furthermore, the basic principles of the Convention (“reasonable accommodation”, “universal design”) were not fully reflected in the national legislation. The discriminatory concepts, which had been developed before the Plan was created, still exist in the legislation. The definition and the concept of the reasonable accommodation have not been introduced.

Summary

Given that the task regarding the amendment of the legislation in conformity with the Convention as defined in the Plan, was not fulfilled, in order to improve the rights of persons with disabilities, the issue of harmonization of the Georgian legislation with the UN Convention is still relevant and it is necessary to reflect specific activities in this regard in the next Action Plan. First of all, with reference to a particular timeframe and responsible agency/agencies, the systemic revision of the legislation should be carried out with regard to ensuring of the practical

10 Ordinance N 41 of January 6, 2014 of the Government of Georgia “on the Approval of the Technical Regulations for the Arrangement of the Space for Persons with Disabilities and the Architectural and Planning Elements”, <https://matsne.gov.ge/ka/document/view/2186893>, visited: 28.01.2018

implementation of all the rights set out in the Convention, which should be followed by the introduction of the relevant legislative amendments. Amendments should be developed in order to eliminate discriminatory terms existing in the legislation, to fully reflect the fundamental principles of the Convention and to establish appropriate guarantees for the protection of the rights of persons with disabilities.

Creation and Operation of the Institutional Mechanisms

Assessing the relevance of the task and the activities

Article 33 of the UN Convention on the Rights of the Persons with Disabilities defines the Contracting States' obligations to establish an institutional mechanism for the proper implementation and enforcement of the Convention. For this purpose, States must establish or strengthen a relevant framework mechanism, which implies the creation and implementation of institutional mechanisms for the implementation, coordination and monitoring of the Convention¹¹, which determines the quality of coordinated work of the State.

Considering the development of the plan, the Interagency State Coordinating Council working on issues of persons with disabilities was identified as the agency responsible for the implementation of the Convention in the country, and the Human Rights Secretariat of the Government of Georgia was defined as the mechanism for coordination.¹² However, the above mentioned bodies were created at the Coordinating Council meeting and were not reinforced by the relevant normative records. At the same time, such determination of functions of organs did not respond to the principles and objectives of the Convention. In particular, the State Coordinating Council working on the Issues of Persons with Disabilities was the permanent deliberative body¹³ of the Government of Georgia in the field of protection of the rights of persons with disabilities, and its main function was to coordinate the implementation of a unified State policy in this field.¹⁴ Taking into consideration the mandate of the Council, it could not be regarded as a body responsible for the implementation of the Convention, as it did not make any decisions on state policy and had only a deliberate function. At the same time, the composition of the Council has not been renewed within the established timeframe and it is no longer a functioning body. Thus, the Council did not meet the requirements of the UN Convention in terms of its functions and legal form. The decision of the Council, as well as the Council's powers, functions

11 UN Convention on the Rights of Persons with Disabilities, Article 33

12 N 2 Minute of the meeting of the Coordinating Council Working on the Issues of the Persons with Disabilities, October 27, 2014

13 Ordinance N 231 of 15 December 2009 of the Government of Georgia "on Establishment of the State Coordinating Council on Issues of Persons with Disabilities and Approval of its Statute", Appendix N 1, Article 1. Available at :<https://matsne.gov.ge/ka/document/view/3214> ; visited: 12.01.2018

14 *ibid.*

and composition was also negatively evaluated by the Public Defender of Georgia¹⁵ and was not considered as effective and efficient mechanism.¹⁶ At the same time, the practice of inefficient functioning of the Coordinating Council has been problematic for years, which apart from the absence of political will, was due to the fact the Council's meetings were very rare¹⁷. Consequently, the formality of the Government's decision to assign to role of coordinating body to the Council has been apparent from the start.

Defining the Human Rights Secretariat of the Government of Georgia as the coordination mechanism of the Convention was also problematic. Secretariat is a structural unit of the Government of Georgia whose main function is to supervise the implementation of human rights action plans.¹⁸ It is important that the main function of the Secretariat is technical supervision of the execution process of the Action Plan and for the purposes of the Convention; it is not a body of high political legitimacy and significance. Consequently, taking into consideration the existing legal nature of the Secretariat, it is inexpedient to incorporate the function that the Convention considers under the Coordinating Body. At the same time, the Secretariat is not equipped with adequate financial and human resources, which makes its proper functioning impossible.¹⁹ The purposes of the Convention implementation and the effective functioning of coordination bodies, the Plan includes two obligations. In particular, (1) the Government of Georgia was obliged to ensure the development of the bodies responsible for the implementation and coordination of the Convention, and (2) the Government had the obligation to create and strengthen the consultancy mechanism composed of organizations working on the rights of persons with disabilities. It should be noted, that in the process of the strengthening the mechanisms prescribed by the Article 33, the Plan did not include the issue of the financial strengthening of the Public Defender's Office, which, on national level, is responsible for promoting, protecting and monitoring the implementation of the Convention, which has been cited as a substantial problem since the moment the body received the mentioned mandate.²⁰

In addition, the Plan, for the purposes of ensuring engagement in the decision-making process of the persons with disabilities and/or their representative organizations, includes (3) at the central level, creating guarantees for the participation of the persons with disabilities in the process of developing policies, plans

15 The Report of the Public Defender of Georgia t on the Status of Human Rights and Freedoms in Georgia, 2015; available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf> , visited: 12.01.2018

16 The Report of the Public Defender of Georgia on the Status of Human Rights and Freedoms in Georgia, 2015, p. 1039. available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf> , visited: 12.01.2018

17 *ibid.*

18 The Initial Report Submitted by the Government of Georgia under Article 35, Paragraph 1 of the United Nations Convention of 13 December, 2006, on the Rights of Persons with Disabilities

19 N 73274 correspondence of the Administration of the Government of Georgia, December 7, 2015

20 A comprehensive shadow report of the DPOs and the NGOs on the implementation of the United Nations Convention on the Rights of Persons with Disabilities, 2017, par. 210

and programs with regard to ensuring the equal opportunities for the persons with disabilities (4) at the municipal level, for the purpose of ensuring appropriate guarantees, the obligation of development of modal statutes for Councils working on the issues of persons with disabilities.

Fulfillment of the Obligations Prescribed by the Plan

The monitoring of the implementation of the Plan revealed that none of the obligations undertaken by the Government of Georgia have been fulfilled. In particular, there has been no improvement in the existing model of mechanisms responsible for the implementation and coordination of the Convention and the involvement of persons with disabilities, and it is no longer functioning. More recently, the Government, with the support of donor organizations, hired international expert, who by considering local context and the international experience had to develop the concept of the institutional framework for the implementation and coordination of the Convention, as well as the community involvement, which was finalized in December 2016.²¹ However, the Government of Georgia has not taken steps to continue the process and to reinstate the institutional framework based on the developed concept, which should be regarded as a significant failure of the Government's work in this regard, taking into consideration the importance of the given activity and the resource aimed at it. According to the information provided by the Secretariat, the mentioned activities should be completed in the first quarter of 2018.

The Plan also envisaged the obligation to ensure systematic involvement of persons with disabilities and their representative organizations during development of strategies, plans, programs and activities for the equal opportunities for the persons with disabilities. In response to the information requested on the performance of the activity, the Administration of the Government of Georgia stated, that information about the performance of the mentioned activities is included in the interim governmental report²² of the Action Plan; however, the such information is not included in the report.²³

In addition, the Government's commitment regarding the development of the modal statutes of councils working on issues of persons with disabilities at municipal level has not been fulfilled.²⁴

It is noteworthy, that the obligations are indicated as unfulfilled in the report on the implementation of Governmental Action Plan for 2016-2017 years.²⁵

21 correspondence N 27540 of the Administration of the Government of Georgia, September 5, 2017

22 Correspondence of the Administration of the Government of Georgia

23 The primary version of the interim report on the implementation of the Governmental Human Rights Action Plan (for 2016-2017 years), 2016

24 The correspondence N 27540 of the Administration of the Government of Georgia, September 5, 2017

25 Report on the Implementation of the Governmental Action Plan for Human Rights (for 2016-2017 years), p.335

Summary

The Action Plan mostly reflected the obligations necessary for the establishment of institutional mechanisms in conformity with the requirements of the Convention, but did not take into consideration the issue of the financial strengthening of the Public Defender's Office as the body responsible for the promotion, protection and implementation of the Convention at the national level.²⁶

At the same time, the state of the implementation of the Plan shows, that the Government has failed to meet its obligations. As of today, no effective steps has been taken to improve the framework mechanism²⁷, moreover, during the implementation of the Plan, the mechanisms responsible for the implementation and coordination of the Convention were not actually functioning, which significantly hinders the process of implementing and executing the Convention. During the reporting period, the Government also failed to develop a modal statute of the councils working on the issues of persons with disabilities at municipal levels, which represented a significant activity in promoting of the participation of persons with disabilities in the local politics.

Ensuring the legal protection guarantees for the persons with disabilities

Assessing the relevance of the task and activities

Georgia ratified the United Nations Convention on the Rights of Persons with Disabilities without its Optional Protocol, which excludes the possibility for the persons with disabilities to address the UN committee on the rights of persons with disabilities and to use the individual complaint mechanism.

Before the development of Governmental Action Plan of Human Rights for 2016-2017 years, in 2015, the legal capacity reform was implemented in Georgia, which largely took into account the principle of equal recognition of the persons with disabilities as persons before the law, as prescribed by the Article 12 of the Convention. However, the reform did not appear to be consistent with the requirements of Article 12 of the Convention in relation to particular rights. In particular, with respect to certain rights of the recipients of support, the reform did not comply with the vision of the Convention. As a result, legislative amendments in some cases unjustly restrict the right of the recipients of support or leave them beyond the proper realization of their rights.²⁸

26 A comprehensive shadow report of the DPOs and the NGOs on the implementation of the United Nations Convention on the Rights of Persons with Disabilities, 2017, par. 210

27 Note: During the operation of the Plan, the term of the Council expired and it was not functional.

28 The study of the Human Rights Education and Monitoring Centre "Assessment of the Effectiveness of the Legal Capacity System Reform and its Implementation Process", 2016, p.16, <https://emc.org.ge/2016/06/07/emc-82/>; visited: 26.01.2017; The Parliamentary Report of the Public Defender of Georgia on the Status of Human Rights and Freedoms in Georgia, 2015. p. 725, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, visited: 01.02.2018

The progress of the Implementation of the Plan

One of the main activities of the Governmental Action Plan of Human Rights for 2016-2017 years with regard to the provision of legal protection guarantees for persons with disabilities (19.1.3.1) was the consideration of the possibility of ratification of the Optional Protocol to the UN Convention, as well as, preparing the proposal for ratification and its presentation to the Parliament of Georgia, which has not been implemented.²⁹

The Governmental Human Rights Action Plan for 2016-2017 years reflected the obligation to identify the shortcomings and challenges in the process of the legal capacity reform and to improve the system in accordance with the identified needs for the purpose of ensuring legal protection guarantees for the persons with disabilities (19.1.3.2.). The implementation of the abovementioned activity would be measured in two ways: 1. Deficiencies identified in practice and 2. Activities taken in order to eliminate the shortcomings.

Such formulation of the indicators raised the possibility of various interpretations with regard to of the fulfillment of the task and puts the evaluation of the quality of its performance and the scope under the risk. Despite the fact that there has been number of problems during the implementation of legal capacity reform at the legislative level, as well as, in practice³⁰, which is demonstrated by the results of research³¹ and practice, only one amendment was made in 2016-2017 to the legislation. In particular, amendments³² were made to the Decree of the Minister of Labor, Health and Social Affairs of Georgia of 29 May 2015, which eradicated the shortcoming in the document, according to which a person had been qualified as a person with psychosocial needs, before the expertise was completed and the person might not even be given such status.

29 Letter N 01/62016 of the Ministry of Labor, Health and Social Affairs of Georgia, October 3, 2017; Letter N 01/36066 of the Ministry of Foreign Affairs of Georgia, October 4, 2017; Based on the information received from the agencies responsible for the implementation of the abovementioned activity, only one meeting took place in the Parliament of Georgia on ratification of the Optional Protocol in 2 years and according to the decision made at the meeting, without reference to the specific deadlines, ratification of the Protocol was linked to the adoption of the Law of Georgia "on Protecting of the Rights of Persons with Disabilities". Also, the position of the Ministry of Foreign Affairs of Georgia - one of the agencies responsible for ratifying the Protocol - that Georgia has supported the ratification of the Optional Protocol in the framework of the Universal Periodic Review, cannot be considered as an indicator for the task accomplishment.

30 Shortcomings revealed during the strategic legal proceedings of the NGO "Partnership for Human Rights": http://phr.ge/home/content?content_id=675, http://phr.ge/home/content?content_id=675, http://phr.ge/home/content?content_id=673, http://phr.ge/home/content?content_id=618, http://phr.ge/home/content?content_id=572, <https://phrgeorgia.wordpress.com/2017/07/04/phr-64/>

31 Special Report of the Office of the Public Defender of Georgia "Legal Capacity - Legislative Reform without Implementation", 2016, <http://www.ombudsman.ge/uploads/other/3/3948.pdf>, visited: 26.01.2018; Study of the Human Rights Education and Monitoring Center "Evaluation of the Legal Capacity System Reform and Its Implementation Process", 2016, <https://emc.org.ge/2016/06/07/emc-82/>, visited: 26.01.2017

32 Order No. 01-49/N of December 19, 2016 of the Minister of Labor, Health and Social Affairs of Georgia, <https://matsne.gov.ge/ka/document/view/3455638>

Summary

Due to the fact that the Optional Protocol is a crucial instrument for creating the guarantees for the protection of the rights of the persons with disabilities, it is essential to reflect the abovementioned issue in the next Action Plan and to ratify the document in due time.

For the purposes of identifying and eliminating the systemic shortcomings with regard to the ongoing legal capacity reform, it is necessary to analyse the existing studies and practice in the process of implementation of the future Action Plan, as well as to prepare and approve the package of the legislative amendments.

The Protection of the rights of persons with disabilities in accordance with the principle of the reasonable accommodation considering their needs

Assessing the relevance of the tasks and activities

The principle of reasonable accommodation, as one of the main principles with regard to the equal rights of the persons with disabilities (task 19.1.5.) was reflected in the Governmental Human Rights Action Plan for 2016-2017 years and the fulfillment of the task was connected with the process of preparation and piloting of the social model for assessment and granting of the status for the persons with disabilities in the country (activity 19.1.5.1.). First of all, it should be noted that there is an apparent problem of relevance towards task and activity in this particular case. The principle of reasonable accommodation is one of the forms for fighting against discrimination and serves as an important prerequisite for creating equal environment for the persons with disabilities in the country. The abovementioned issue is considered as the integral part of ensuring of the equality principle, which should be accompanied by the relevant record regarding the principle of reasonable accommodation in the national legislation and it cannot be considered only as implementation of the social model for the assessment of the persons with disabilities. Even if the social model for assessment is implemented, the goal of the task will not be achieved without introducing of the principle of reasonable accommodation into legislative system.

Prior to the development of the Governmental Human Rights Action Plan for 2016-2017 years, the problem of assessment of the persons with disabilities based on the medical model was significant.³³ National legislation and practice were largely based on the medical model that would exclude the possibility to plan and implement the policy based on the social model. After ratification of the Convention, the legislation reflected the concept of the person with disabilities in

³³ The Parliamentary Report of the Public Defender of Georgia on the Protection of Human Rights and Freedoms in Georgia, 2016, p. 663, <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, visited: 28.01.2018

compatibility with the content of the social model, however, the contents of the term “limiting of abilities” still remained in conformity with the medical model, as it was formulated as *“such solid physical, mental, intellectual or sensory disorders, which result in temporary or permanent restriction of capacity.”*³⁴

The Progress of Implementation of the Plan

The Governmental Human Rights Action Plan for 2016-2017 years reflected the problem of assessing the persons with disabilities in accordance with the medical model and the necessity of carrying out of the reform regarding the system of assessment and the status granting for the persons with disabilities was defined as a separate direction (Activity 19.1.5.1), which would be measured in conformity with two indicators: 1. A creation of a new model for the assessment of the persons with disabilities; 2. The commencement of piloting of the new model for the assessment.

In fact, this activity has not been implemented. Expert working group meetings created by the Ministry of Labor, Health and Social Affairs of Georgia and supported by the UNICEF and their 13 meetings³⁵ during the implementation of the Action Plan cannot be assessed as an fulfillment of this activity. In the country, the social model for the assessment of the persons with disabilities has not been developed yet, which would be a basis for determining the individual needs of the persons with disabilities and providing the relevant services.

Summary

The task 19.1.5 defined by the Governmental Human Rights Action Plan for 2016-2017 years, has not, in fact, been fulfilled. The work carried out by the state during this period cannot be regarded as effective with regard to implementing of the social model for the assessment and granting of the status for the persons with disabilities. The existing medical model of evaluation represents a significant barrier for persons with disabilities to receive services that are suitable for their individual needs, in compliance with the Convention. Consequently, it is necessary to reflect the activities concerning the development and implementation of the social model for the assessment of the persons with disabilities, based on adequately developed indicators, which would make it possible to measure the quality and the scope of the implemented reform.

34 Law of Georgia “on Medical-Social Expertise”, Article 10.1; <https://matsne.gov.ge/en/document/view/15772>, visited: 01.02.2018

35 Letter N 01/62016 of the Ministry of Labor, Health and Social Affairs of Georgia, October 3, 2017

Encouragement of the participation in the political and community life

Assessing the relevance of the tasks and activities

Article 29 of the Convention provides for the active and passive right of the persons with disabilities, as well as ensuring of the participation in elections or referenda, in the conditions of free and informed expression of the will. The article guarantees the right of the persons with disabilities to hold office in the state governance system, to perform public functions and to access to levels of public life without barriers.³⁶

In the process of developing the Plan, the challenge was the weakness of guarantees for participating of persons with disabilities in the political life in practical and in some cases, at the normative level. Among the problems were access to physical and information environment, public transport, communication facilities, and polling stations, which in many cases were an insurmountable obstacle and significantly reduced the opportunities for participating in public and political life.³⁷

At the same time, the shortcomings of legislation regulating both active and passive voting process for persons with disabilities, also represented problems. Electoral legislation, bluntly excluded the possibility to participate of the persons with the status of recipient of support in a psychiatric establishments in contrast to those who do not have the status, in the elections of.³⁸ The problem was the issue of realization of passive voting rights for the people with disabilities. Since the sign language does not constitute as an official language in the legislation³⁹, it was unlikely for a person with hearing impairment to become a candidate for the elective positions or to be employed in public sector due to the obligatory requirement of knowledge of the state language.⁴⁰

The Governmental Action Plan envisages seven activities aimed at facilitating participation of persons with disabilities in political life, including adapting official web site of the CEC (activity 19.1.6.1), providing election information in audio formats (parties' election program, the list of candidates) (activity 19.1.6.2), training of the election commission members (activity 19.1.6.3), obligation to equip polling stations with special support tools (activity 19.1.6.4).

36 Convention on the Rights of Persons with Disabilities, Article 29

37 The Rights of Persons with Disabilities in Georgia, The Public Defender of Georgia, 2016, p. 13, available at: <http://www.ombudsman.ge/uploads/other/4/4562.pdf>, visited: 12.01.2018

38 Election Code of Georgia, Article 3.a.a.c); available at: <https://matsne.gov.ge/ka/document/view/1557168>, visited: 11.01.2018

39 Note: sign language does not have the official language status and it is only considered as a mean of communication. Law of Georgia on Social Protection of the Persons with Disabilities, Article 5

40 Law of Georgia on Civil Service, Article 27.1.a.

In addition, for the purpose of ensuring the involvement of the persons with disabilities in public life, the plan has included the obligation to provide access to the services of the National Agency of Public Registry (Braille font) for visually impaired persons (Activity 19.1.6.5). The plan provides for adaptation of the information posted on the website of Agency (activity 19.1.6.6), as well as online consultations for persons with sight and hearing difficulties (activities 19.1.6.7).

The contents of the obligations envisaged by the Plan indicate the absence of a complex and systemic vision of the State for the complete participation of the persons with disabilities in the political and social life and the weaknesses of the existing policy. The Plan only sees the challenges in relation to adapting of the voting process and excludes the obligations of any other agency, except the CEC. In exchange for combined involvement of different agencies for solving the problem, the Plan identifies the CEC as the only responsible agency and determines the responsibility for using the following such formulation - "to be requested to the Central Election Commission".

In addition, the Plan does not include appropriate vision and activities for the implementation of passive voting rights, which implies the change of national legislation and the removal of existing barriers for persons with disabilities, as well as, the creation and strengthening of mechanisms for active and passive voting for persons with disabilities, including the commitment to ensure accessibility to the voting spaces, considering that the latter is considered as a major obstacle in the realization of the mentioned right.

It is also problematic, that the right to live in the community has an extremely limited nature – it only defines access for persons with disabilities in the process of operation of public registry and therefore, the Ministry of Justice and National Agency of Public Registry are foreseen as only responsible agencies. Under the circumstances, when the State does not have a consistent policy for the adaptation of the information and public spaces, or the strategies for the inclusion of people with disabilities in the community life and increasing of their engagement, the reason for defining of access to public registry system as the only useful way for realizing the right to participate in public life is not clear defined.

Implementation of the Obligations Prescribed by the Plan

The analysis of the information obtained on the fulfillment of the obligations under the Plan shows that the CEC official web site⁴¹ is adapted for the persons with blindness and low visibility, which should be assessed as a positive step.⁴²

41 See, the official web site of the CEC: <http://cesko.ge>

42 Correspondence of N 03-07 / 1782 of the Central Election Commission of Georgia, October 6, 2017

At the same time, in the framework of adaptation of the pre-election process, one of the obligations of the CEC was to provide electoral information in the audio format for blind voters, which included adaptation of the list of parties and the election program. Within the framework of the obligation, in 2016, the information in audio format was prepared on the sequence of election subjects on the ballot paper and for the 2017 elections, it was processed as text.⁴³ The organization “Center for Eastern Partnership for Multi-Party Democracy” transformed the parties’ electoral program into an audio format.⁴⁴ In that regard, it is problematic, that the existing Election Code does not envisage the obligation of the political parties to present their pre-election programs in the adapted format, which indicated the deficiencies of the legislation and inadequately indicates to the CEC as the responsible body for the implementation of the obligations prescribed by the Plan.

For the purpose of implementing of the norms of conduct of voters with disabilities on the election day, the CEC has conducted trainings for CEC members over the years⁴⁵. However, according the requested training materials and agenda, it is revealed that from the three-day training, only 20 minutes were devoted to the rights of the persons with disabilities, which cannot be regarded as sufficient time for providing in-depth and necessary information on this issue.⁴⁶ Against this background, it is problematic that according to the Governmental implementation report, this given activity of the Plan is indicated as entirely fulfilled.⁴⁷ Apart from this, the activity of the CEC covers the “instruction on the protection of the conversation etiquette and behavior norms with the persons with disabilities”, after which the mooted voting is taking place for the members of the CEC.

As for the obligation to equip the electoral precincts with special supporting facilities for voters with disabilities, the provided information shows that the CEC provides with the magnifying lenses, framework for filling out the bulletin and putting up posters showing the participation in the ballot at all polling stations on the Election Day. According to the CEC, in 2016, there was only one magnifying lens per polling station, but by 2017 their number doubled⁴⁸. According to the

43 The Report on the Implementation of the Governmental Action Plan for Human Rights (for 2016-2017 years), p. 338

44 *ibid.*

45 During the operation of Plan, 170 persons have been trained for the parliamentary elections of October 8, 2016, who afterwards trained 47 341 members of the election commission. 160 trainers were trained for the municipal elections of 2017, who retrained 47 168 members. Source: the correspondence N 01-07/1347 of the Central Election Commission of Georgia, August 26, 2017; the correspondence N 03-07/1782 of the Central Election Commission of Georgia, October 6, 2017, Appendix N 5.

46 The correspondence N 03-07/1782 of the Central Election Commission of Georgia, October 6, 2017, Appendix N 1, Appendix N 2.

47 The Report on the Implementation of the Governmental Action Plan for Human Rights (for 2016-2017 years), p. 339

48 The correspondence N 03-07/1782 of the Central Election Commission of Georgia, October 6, 2017, Appendix N 5.

information provided by the responsible agencies, by 2016, the adapted cabins were placed at 1 115 adapted polling stations, which constitute 30.68% of the total number of the polling stations.⁴⁹

With regard to guaranteeing the community life, the plan envisages the introduction of written communications for the persons who are blind and have hearing impairment by the National Agency of Public Registry, as well as, the adaptation of information posted on the web site and introduction of online consultation mechanisms. From the agencies responsible for reporting period - the Ministry of Justice and the National Agency of Public Registry failed to submit appropriate and comprehensive information. From the agencies, the public registry was the only one to provide information, however, using the general formulation (“the agency has carried out ... individual technical works,” “adaptation of the registry of real estate rights, so that blind and visually impaired individuals can search for the application”), which does not include the statistical data on specific activities, regarding the use of this tools and their impact.⁵⁰

According to the report of the Government Action Plan, “LEPL National Agency of Public Registry carried out a series of technical and software activities, in particular, the agency intends to offer several services to blind persons “...”As a result, it will be possible to receive records on real estate from the registry in Braille font.” It is important that the document does not contain information with regard to indicators of the plan on executed works (e.g. the number of documents issued in Braille font, etc), the report on the implementation of the action plan shows that the responsible agency has only started specific works for fulfilling the obligations and they are not completed. Against this background, it is problematic that the obligation is marked as fulfilled.⁵¹

Summary

Ensuring the engagement of people with disabilities in public and political life is a complex issue and requires a state of holistic vision and approach. Under these conditions, a substantial obstacle to the plan is that it does not see the rights of access to political right as a complex issue and sees this obligation in the context of removing of the physical barriers in polling stations. The absence of complex vision excludes achieving the objective goal even in the case of successful implementation of the activities outlined in the plan. Another problem is that the plan does not provide for the elimination of the legislative shortcomings, or envisage the need for research and creating of a strategy and action plan based on research.

49 The correspondence N 01-07/1347 of the Central Election Commission of Georgia, August 26, 2017.

50 The correspondence N 374698 of the LEPL -National Agency of Public Registry, September 12, 2017.

51 The Report on the Implementation of the Governmental Action Plan for Human Rights (for 2016-2017 years), pp. 342-343

It is still a challenge to create an accessible electoral environment for Election Day.⁵² According to the statistical information from 3 634 electoral precincts across Georgia, 1 115 polling stations (30.68%) were adapted⁵³ (easy adaptation, ramps) for the October 2016 parliamentary elections. As for the October 2017 elections, there has been a minimal improvement. 1 153 (31.7%) of the 3634 polling stations opened for the elections, were adapted⁵⁴ (easy adaptation, ramps).

At the same time, due to the barriers for the persons with disabilities at the practical level, the involvement of persons with disabilities in the election process is extremely low. In the first and second round of the Parliamentary Elections of 8 October 2016, out of 114 989 persons⁵⁵, who achieved the electoral age, only 7 027 (6.1%) persons voted in the elections.⁵⁶ Only 3 353 (2.91%) persons with disabilities participated in the local elections in October 2017.⁵⁷ The abovementioned data clearly indicates the existence of an inadequate environment for the realization of political rights, which is demonstrated by the extremely low rate of participation of the persons with disabilities in the electoral processes.

Provision of access to the public facilities and transport for persons with disabilities

Assessment of the relevance of the tasks and activities

Accessibility, as the most important issue for protecting rights of persons with disabilities, is acknowledged by the Article 9 of UN Convention on the Rights of Persons with Disabilities (CRPD) and its General Comment.⁵⁸ In spite of the fact that the problem of physical environment, transport infrastructure and free access to information⁵⁹ for persons with disabilities had been acutely urgent during the ratification process of the Convention in the country, the Action Plan is only partially related to these issues and performed work cannot be marked as effective. Execution of accessibility and absence of mechanism for supervision had been especially problematic before the Action Plan was elaborated, which led to actual excluding of fulfilling regulations established by Georgian Government af-

52 "Electoral voting rights for the persons with disabilities"; International Society for Fair Elections and Democracy (ISFED), 2016; Available at: <http://www.isfed.ge/main/1176/geo/>; visited: 12.01.2018

53 The correspondence N 01-07/1347 of the Central Election Commission of Georgia, August 26, 2017

54 The correspondence N 03-07/1782 of the Central Election Commission of Georgia, October 6, 2017

55 Statistical information of the LEPL - Social Service Agency for 2017 year is available at: http://ssa.gov.ge/index.php?lang_id=&sec_id=1292, visited:12.01.2018

56 The correspondence N 03-07/1782 of the Central Election Commission of Georgia, October 6, 2017

57 The Central Election Commission Report on the Elections of the October 21, 2017, p. 46;

58 Committee on the Rights of Persons with Disabilities, General Comment No. 2, Article 9: Accessibility, 2014, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/033/13/PDF/G1403313.pdf?OpenElement>, visited: 30.01.2018

59 Parliamentary Report of the Public Defender of Georgia on the Protection of Human Rights and Freedoms in Georgia, 2015, pp. 732-745, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, visited: 01.02.2018

ter ratification of the Convention.⁶⁰ Nevertheless, the Action Plan does not include any record concerning establishment and enforcement of execution mechanism.

The Progress of Implementation of the Plan

Accomplishment of the task – “Ensuring accessibility to public utilities and transport for the persons with disabilities” according to the Government Action Plan for Human Rights for 2016-2017 years, was linked to the implementation of four activities.

According to the Activity 19.1.7.1, during 2016-2017, the access to roads and road infrastructure, facilities and communications connecting transport terminals (bus stations) should have been measured by steps taken to improve accessibility. According to the information provided by the agency responsible⁶¹ for the performance of the activity, in 2016-2017, only one activity was carried out in order to increase access to transport, infrastructure, buildings and communications⁶².

Based on the information requested for the purpose of measuring of the performance of the Activity 19.1.7.2.19⁶³, it can be stated that this activity has not been fulfilled according to the measurement indicator of its performance. In particular, the standard for ensuring availability of transport and infrastructure has not been prepared or adopted. Making amendments to “transportation of passengers and luggage carriage rules” technical regulations, according to which it has been determined that the carrier with help from drivers, crew members are obliged to provide assistance for persons with disabilities on travel-related services, throughout the travel period, cannot be considered as an unified standard. The Action Plan also included the obligation to develop a mechanism for executing of the developed standards, which has not been implemented either.

According to the information provided by the Land Transport Agency of the Ministry of Economy and Sustainable Development of Georgia, the activity 19.1.7.3. – Increasing awareness of drivers of public transport on the rights of persons with disabilities through the trainings, have not been implemented during 2016-2017⁶⁴.

60 Ordinance N 41 of January 6, 2014 of the Government of Georgia “on the Approval of the Technical Regulations for the Arrangement of the Space for Persons with Disabilities and the Architectural and Planning Elements”, <https://matsne.gov.ge/ka/document/view/2186893>, visited: 01.02.2018

61 The letter N 01/608 of the Land Transport Agency of the Ministry of Economy and Sustainable Development of Georgia, September 25, 2017; The letter N 08/8157 of the Ministry of Economy and Sustainable Development of Georgia, November 24, 2017

62 The amendments were made to the Ordinance N 442 of the Government of Georgia of December 31, 2013 “on the Approval of the Rules and Conditions of Functioning of the Auto Station and pParking”, according to which, in all three classes of auto stations, conditions should be provided for the uninterrupted movement of the persons with disabilities.

63 The letter N 01/608 of the Land Transport Agency of the Ministry of Economy and Sustainable Development of Georgia, September 25, 2017; The letter N 08/8157 of the Ministry of Economy and Sustainable Development of Georgia, November 24, 2017

64 The letter N 01/608 of the Land Transport Agency of the Ministry of Economy and Sustainable Development of Georgia, September 25, 2017

In the governmental action plan for 2016-2017 years, a separate activity was aimed at delivering high-quality services for persons with disabilities during air transportation, which was related to the planned and unscheduled inspections (activities 19.1. 7.4.). According to the information provided by state agencies, the inspection was carried out only in 2017 and nowadays, all airports in Georgia serving passengers have all the necessary conditions and equipment necessary for people with disabilities. However, according to the information provided, the complete set of equipment in terms of air transportation only includes the existence of signage and wheelchairs in passenger terminals, registrations, and in areas adjacent to airfields.

Summary

The analysis of the work carried out within the 2016-2017 Action Plan for providing physical infrastructure, transport infrastructure and access to information, shows that the State's approach is ineffective in addressing the problem and cannot respond to international commitments to ensure accessibility. Despite the fact that during the ratification process of the Convention the problems of accessibility to the transportation, infrastructure and information for persons with disabilities have been acute, the action plan only partially covers them and the implemented work cannot be considered effective. The plan does not cover the establishment and operation of the enforcement mechanism. Depending on the importance of the topic, the future action plan has to determine all the components of the right to access, together with the development of appropriate enforcement mechanisms.

Providing with equal health care environment

Assessment of the relevance of the tasks and activities

The right of persons with disabilities to health care is guaranteed by the Article 25 of UN Convention on the Rights of Persons with Disabilities (CRPD). The Convention determines not only the obligation of state parties to create an equal accessibility to health care programs for persons with disabilities, but also declares about necessity of envisaging one's individual needs while delivering health care services.

As of 2015, major concerns regarding the right to health care for persons with disabilities were related to disregarding of the needs of persons with disabilities in the implementation of the village doctor's program, accessibility to physical environment, as well as, to medicines, mental health services.⁶⁵ Since 2013, universal

⁶⁵ The study of the Human Rights Education and Monitoring Centre "Assessment of the Effectiveness of the Legal Capacity System Reform and its Implementation Process", 2016, pp. 84-94, <https://emc.org.ge/2016/06/07/emc-82/> visited: 26.01.2017

insurance program operates in Georgia⁶⁶. The program did not envisage one of the main requirements of Article 25 of the Convention on the rights of persons with disabilities that the healthcare services should be provided for persons with disabilities in accordance with their individual needs. At the same time, persons with significant and moderate disabilities do not have an opportunity to use a different package. These problems are relevant today. The Governmental Action Plan for protection of human rights partially reflected the problems of practical fulfillment of the right to health care for persons with disabilities. Particularly, the above-mentioned issue had been linked to the provision of equal accessibility. The Action Plan did not take into account different challenges within the area of mental health care.

The Progress of Implementation of the Plan

Despite numerous problems in health care system of the country, the governmental action plan for human rights protection for 2016-2017 years only describes one general activity (activity 19.1.8.1), which cannot be considered as an efficient way to protect the rights of persons with disabilities.

According to the plan, the percentage of persons with disabilities has been defined as the indicator of the protection of the health of persons with disabilities in the country, for whom the health care services would be available. However, according to the official correspondence⁶⁷ from the Ministry of Labor, Health and Social Affairs of Georgia concerning the implementation of the above-mentioned task, the Ministry did not calculate the percentage of persons with disabilities, which would make it possible to evaluate the performance indicator.

Summary

In terms of the right to health of persons with disabilities in the future action plan, it is important to distinguish systemic problems, such as access to mental health services, the development of community-based mental health services, access to medication and medical facilities, creation of health care programs and ensuring their accessibility based on the individual needs of the persons with disabilities.

66 Ordinance N 36 of the Government of Georgia of February 21, 2013 "on Some measures to be taken for the purpose of transition to the universal health care", <https://matsne.gov.ge/ka/document/view/1852448>, visited: 01.02.2018

67 The Letter N 01/61891 of the Ministry of Labor, Health and Social Affairs of Georgia, October 3, 2017

Habilitation and rehabilitation of children with disabilities and the expansion of development-oriented programs throughout the country

Assessment the relevance of the tasks and activities

Prior to the creation of the Government Action Plan for Human Rights for 2016-2017 years, the main challenge for rehabilitation/habilitation of children with disabilities, was that most of them were not able to get their services tailored in accordance with their needs. This was mainly due to the fact that various services were planned without the research. At the same time, the lack of information on existing programs and services⁶⁸ was problematic. The quality of services provided in the day-care centers and early child development subprograms and the consideration of the individual needs of children with disabilities in this process were has been challenging.⁶⁹

The Progress of Implementation of the Plan

The realization of the right to rehabilitation and habilitation for the Children with Disabilities and provision of Day Centers Services according to Government Action Plan for Human Rights for 2016-2017 years was mainly related to the expansion of geographical area of service provider organizations (activity 19.1.9.1 and activity 19.1.9.4.). The action plan also defined that rehabilitation services for children with severe and deep mental development problems in Tbilisi would be initiated (activity 19.1.9.3) and the programmatic framework and Standards for Early Intervention Services would be created (Activity 19.1.9.2.).

Based on the information provided by the Ministry of Labor, Health and Social Affairs of Georgia, it is possible to conclude that there is some progress in the development of programs aimed at rehabilitation / habilitation and development of children with disabilities within the activities foreseen by the plan. Specifically, the geographical area⁷⁰ of delivery of day centers and children's habilitation / rehabilitation services has been expanded; the concept and standards⁷¹ of early intervention services have been developed in 2016-2017. In Tbilisi, a program for care of children with difficult and deep mental development problems was created.

68 The Parliamentary Report of Public Defender of Georgia on the Protection of Human Rights and Freedoms in Georgia, 2015, p. 754, <http://www.ombudsman.ge/uploads/other/3/3891.pdf> visited: 01.02.2018

69 The study of the Human Rights Education and Monitoring Centre "Assessment of the Effectiveness of the Legal Capacity System Reform and its Implementation Process", 2016, pp. 67-68, <https://emc.org.ge/2016/06/07/emc-82/> visited: 26.01.2017

70 The sub-program of home care for children with severe and deep mental development issues, which was introduced in Tbilisi, involves 46 children

71 The letter N 01/62016 of the Ministry of Labor, Health and Social Affairs of Georgia, October 3, 2017

Summary

The activities defined by the plan show that the main challenges, which are based on research existed before the plan was created. In particular, the main emphasis is on expanding of the geographical area of rehabilitation/ habilitation services, which in itself is a very important issue; however, it says nothing about the quality of service and creation of services based needs-based research.

Despite the activities related to the development of programs aimed at rehabilitation/habilitation and development of children with disabilities, as described in the Government Action Plan for Human Rights for 2016-2017 years, can be considered implemented in accordance with the given indicators, they are not sufficient for the existing problems. Children with autistic spectrum are still unable to use the same services for the reason that the services offered are not available for all children in terms of geography.

Despite the fact that in 2016-2017 in Tbilisi, a program of care for children with severe and deep mental development issues has been created, it cannot be considered as an effective measure and children in the region do not have access to similar services. In the case of children with disabilities, regardless of the importance of early development programs, the issue of their geographical access is a serious problem.⁷²

It is important for children's rehabilitation/habilitation programs to be based on the research of the needs, the individual needs of the children with disabilities, expansibility of the geographical area of service providers, and to take into consideration the component of quality assessment and improvement of subprograms. Also, it is necessary to start work on the creation of services for the adult persons with disabilities, which would also be based on needs-based research.

Supporting Individual Mobility

Assessing the Relevance of the Task and Activities

In Georgia, mobility aids programmes are functioning that aim to guarantee the right to individual mobility of persons with disabilities. They are annually passed in the framework of "State Programmes of Social Rehabilitation and Childcare". At the time of the creation of the 2016-17 governmental action plan for the protection of human rights, the main challenge connected with the individual mobility of persons with disabilities was that planning based on the study of needs did not take place.⁷³

72 The Parliamentary Report of Public Defender of Georgia on the Protection of Human Rights and Freedoms in Georgia, 2016. p. 679, <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, visited: 28.01.2018

73 A study of the Human Rights Education and Monitoring Centre (EMC), "Assessment of the Legal Capacity Reform and its Implementation Process", 2016, p. 68, <https://emc.org.ge/2016/06/07/emc-82/>, visited: 26.01.2017

The Progress of Implementation of the Plan

The governmental action plan on the protection of human rights (2016-17) sets the number of persons who are in need of mobility aid and who applied at the Social Service Agency, as well as the number of successful applications (Activity 19.1.10.1.) as the indicator of support provided for individual mobility. According to information provided by the Ministry of Labour, Health and Social Affairs, in 2016, 5005 persons with disabilities addressed the Social Service Agency with a request to receive mobility aid, out of which 25% were placed in the queue with their requests remaining fulfilled. In 2017, 41% of persons with disabilities who addressed the Agency to request mobility aid were placed in the waiting list.

Summary

The analysis of activities planned and implemented with regard to the right to individual mobility of persons with disabilities, in the framework of the 2016-17 action plan on human rights, shows that problems exposed prior to the creation of the plan are still topical. Namely, in order to fulfill the requests of all persons in need of mobility aids, it is necessary that sub-programmes be implemented based on a study of needs, which should be relied on properly conducted statistics, that will in the future rule out the rejection of persons in need of mobility aids and minimize the number of persons in the waiting list.

Supporting of the independent living

Assessing the Relevance of the Task and Activities

The right to living independently, as set out in the Article 19 of the UN Convention on the Rights of Persons with Disabilities, implies the creation of adequate, individually tailored and community-based services for persons with disabilities,⁷⁴ by providing housing, creating adequate standards of social care, services of habilitation and rehabilitation, by way of deinstitutionalization and ensuring personal mobility as well as by other means.

In the given chapter, the action plan only took consideration of one component of living independently, that of housing, by improving the sub-programme of community organizations. However, in Georgia the problem of realising of the right to living independently of persons with disabilities over the age of 18 was connected with large mental health institutions, the existence of twenty-four-hour boarding houses for persons with disabilities as well as the weaknesses in the development of community organisations. Despite implementing of mental health reform at the time of creating the plan, a considerable obstacle was posed by the existence of large, mono-profile medical institutions, which were not fully covered by the process of deinstitution-

74 The UN Convention on the Rights of Persons with Disabilities, Article 19

alization.⁷⁵ In the country there still exist large residential institutions in the form of boarding houses for persons with disabilities that, as of 2015, provide services to 189 beneficiaries in total (66 beneficiaries in the Dzevri Boarding House; 49 beneficiaries in the Dusheti Boarding House; 74 beneficiaries in the Martkofi Boarding House).⁷⁶

After a lengthy period of hospitalization in psychiatric institutions, persons with psychosocial needs have a special need for services that support living independently. This is especially true for those who have to live in psychiatric institutions due to the absence of adequate housing services.⁷⁷ The Public Defender's reports show that due to the absence of housing services, the number of those remaining in the system with a lengthy delay, the so-called 'permanent patients,' is high and amounts to 30-40% of the total number of beneficiaries.⁷⁸

Supporting the opportunity of living independently is a special obstacle in the context of those persons with disabilities who have since childhood been under the state's care in various institutions and are obliged to leave the institutions upon reaching adulthood.⁷⁹ Moreover, the majority of state's care institutions did not adequately consider the components of rehabilitation and preparation of beneficiaries for living independently.⁸⁰

It is important that in 2014-16, the governmental action plan took into account the obligation of developing alternative social services for the independent living of persons with disabilities, introducing and developing home-care services, introducing long-term care services for persons with psychosocial needs, of deinstitutionalization and concerning activities to be undertaken with the aim of allocating persons with disabilities to community-based services.⁸¹

Accordingly, the main problem of the governmental action plan is that it does not fully consist of tasks and activities necessary for living independently. It is concen-

75 "Mental Health Reform in Georgia", Global Initiative in Georgia, Available at: http://www.mls.ge/hrh/pictures/dftcontent/gallery/108_1.pdf, visited: 12.01.2018

76 Statistical information concerning boarding houses for persons/children with disabilities and its beneficiaries by years is accessible at: <http://atipfund.gov.ge/res/docs/statistika33.pdf>, visited: 12.01.2018.

77 Implementation Guideline for the UN Convention on the Rights of Persons with Disabilities, Human Rights Education and Monitoring Centre (EMC), p. 61, available at: <https://emc.org.ge/2014/08/18/uncrpd-is-imlementacis-gaidlaini/>, visited: 12.01.2018

78 The Report of the Public Defender of Georgia on the Protection of Human Rights and Freedoms, 2015, pp. 313-314.

79 The Protection of the Rights of Persons with Disabilities in Georgia, the Public Defender of Georgia, 2015, pp. 54-55, available at: <http://www.ombudsman.ge/uploads/other/3/3727.pdf>, visited: 14.01.2018.

80 Implementation Guideline for the UN Convention on the Rights of Persons with Disabilities, Human Rights Education and Monitoring Centre (EMC), p. 61, available at: <https://emc.org.ge/2014/08/18/uncrpd-is-imlementacis-gaidlaini/>, visited: 12.01.2018

81 The Decree N 76 of the Government of Georgia of January 20, 2014 "on Adoption of the Governmental Action Plan for 2014-2016 years for ensuring the equal opportunities for persons with disabilities, Available at: http://ssa.gov.ge/files/01_GEO/KANONMDEBLOBA/Kanon%20Qvemdebare/82.pdf, visited: 12.01.2018.

trated in a limited manner only on a single form of community-based housing and this only by way of a geographic expansion of the sub-programme of community organizations. The plan does not comprise the matters such as the continuation of the process of deinstitutionalization, developing other community-based support services, creation/strengthening of adequate supporting mechanisms for persons out of state care, which will include components of education and employment, provision with housing and a comprehensive integration of persons with disabilities. Moreover, the action plan does not cover the said activities in the context of the realisation of other rights of persons with disabilities. Furthermore, the action plan does not at all take into account special efforts connected directly to persons with psychosocial needs.

The Progress of Implementation of the Plan

With the aim of supporting of the persons with disabilities who are 18 years-old or older to live independently, the only activity that was considered under the action plan was an expansion of the geographical area. The aim of the sub-programme of community organization is to create conditions that approach home environment for persons with disabilities and the elderly (women from 60 and men from 65 years of age), to support living independently and social integration.⁸² As of 2015, the total number of beneficiaries was limited to 180 . However, as of 2017, their number has increased to 230, which is to be welcomed unambiguously.⁸³

Although the budget and the number of beneficiaries of the community organization sub-programme grows each year, which ought to be seen positively,⁸⁴ the growth of the scale has not been followed by a considerable expansion of the geographic area. Prior to the initiation of the plan, as of 2015, the services of the community organization sub-programme were available only in Tbilisi and five cities: Kareli, Ozurgeti, Kvareli, Gurjaani and Signaghi. In 2016, this programme expanded to include 3 new cities: Lagodekhi, Gori and Rustavi. In 2017, a new city was further added - Sagarejo.⁸⁵ At the regional level, in 2016-17, the sub-programme of community organizations expanded by one region.⁸⁶

Finally, at this stage, the community organization sub-programme is being im-

82 The Ordinance N 601 of the Government of Georgia of December 29, 2017 “on Adoption of the State Program for Social Rehabilitation and Childcare for 2018 year”, Appendix N 1.12., available at <http://matsne.gov.ge/ka/document/view/3976984>, visited: 14.01.2018.

83 The Ordinance N 121 of the Government of Georgia of March 9, 2017 , “on Adoption of the State Programm for Social Rehabilitation and Childcare for 2017 year”, Appendix N1.12., availableat: <http://matsne.gov.ge/ka/document/view/3601687>, visited: 12.01.2018.

84 Note: the budget of the community organisations' sub-programme was 984 000 GEL in 2015, 1 034 000 GEL in 2016 and –1 303 000 GEL in 2017. The community organizations' sub-programme covered 180 beneficiaries in 2015, 216 beneficiaries in 2016 and 228 beneficiaries in 2017.

85 The correspondence N01/61412 of the Ministry of Labour, Health and Social Affairs of Georgia, September 29, 2017.

86 Ibid.

plemented only in 10 out of 75 existing municipalities in Georgia.⁸⁷ According to the data provided by the Ministry, the expansion of the geographic area of the sub-programme was not based on any research data, or the study of needs.⁸⁸

Summary

It is apparent that in the given case the governmental plan does not comprehensively represent tasks and activities necessary for the independent living of persons with disabilities and leaves beyond its attention a number of fundamental needs, among them, in the direction of mental healthcare. In response to existing challenges, the obligation to expand the geographic area of community organizations, as set out in the plan, does not represent sufficient means because it cannot exercise a considerable influence on the existing reality to the end of ensuring independent living.⁸⁹ It would have been essentially important that the plan had taken into consideration a consistent politics of deinstitutionalization and creation of community services and had included, other than the sub-programme of community organizations, obligations for developing existing community services and of initiating new ones.

It is problematic that to date no strategy of deinstitutionalization in the field of mental health has been elaborated.⁹⁰ The situation remains unaltered and the practice of year-long delay of persons with disabilities in psychiatric institutions due to the absence of housing remains a challenge.⁹¹ Moreover, as of 2016, the number of beneficiaries of the Dzevri, Dusheti and Martkofi boarding houses for persons with disabilities has not decreased, but even grown slightly. Also, the weakness of support mechanisms for independent living in the institutions themselves poses a challenge, for the residents are unable to receive adequate services that would enable them to acquire and develop skills for living independently.⁹² A major challenge to ensuring the independent living of persons with disabilities is still posed by the needs of education, employment and housing.⁹³

87 Ibid.: Tbilisi, Kareli, Ozurgeti, Kvareli, Gurjaani, Signaghi, Lagodekhi, Gori, Rustavi and Sagarejo

88 The correspondence N 01/59168 of the Ministry of Labour, Health and Social Affairs of Georgia,, September 20, 2017.

89 The correspondence N01/61412 of the Ministry of Labour, Health and Social Affairs of Georgia, September 29, 2017.

90 The Protection of the Rights of the Persons with Disabilities in Georgia, the Public Defender of Georgia, 2016, p. 38.

91 "Homelessness, Analysis of State Policies", Human Rights Education and Monitoring Centre (EMC), 2017, p. 93, available at: <https://emc.org.ge/2016/10/27/emc-172/>, visited: 14.01.2018.

92 The Condition of Human Rights in Closed Institutions, the Public Defender of Georgia, 2016, p. 312, available at: <http://www.ombudsman.ge/uploads/other/4/4585.pdf>

93 Alternative report presented by the National Institute for Human Rights – the Public Defender (Ombudsman), p. 40, available at: <http://www.ombudsman.ge/uploads/other/4/4573.pdf>

Labour and Employment

Assessing the Relevance of the Task and Activities

Article 27 of the Convention on the Rights of Persons with Disabilities guarantees for persons with disabilities the right to equal employment and labour, both at the legislative and the practical levels. In order to realize this right, the state is obliged to create equal opportunities of employment and labour, among others means, by creating additional guarantees to encourage and support employment.⁹⁴ When creating the action plan, as of 2015, a considerable obstacle was posed by the legislation as well as the absence of state policy, education and accessible environment which in practice results in the exclusion of persons with disabilities from the society.⁹⁵ A considerable obstacle was posed by the declarative legislation of labour and employment that did not respond to the aim of employment of persons with disabilities.⁹⁶ Apart from an exceptional case,⁹⁷ the legislation did not provide for mechanisms that would encourage and support of the employment of persons with disabilities. The legislation did not include regulations supporting employment, among them by way of setting quotas, either in the public, or in the private sectors.⁹⁸ Apart from this, there was, and still is, a law that hinders persons with disabilities (save for a few exceptions) from receiving social packages when employed in the public sector.⁹⁹ Moreover, the legislation did not recognize and still does not recognize the ‘principle of reasonable accommodation’ that would grant persons with disabilities an opportunity to request, in the process of realizing their right to labour, individually adapted working environment and conditions.

The state did not, and still does not, possess precise statistical data on persons with disabilities, with indications of their individual needs, upon which it may have based its policy. The state did not possess data on the number of persons with disabilities employed in the private sector. Prior to the creation of the plan, the level of employment of the persons with disabilities in the public sector was minimal. Apart from this, to the low level of employment attested also the electronic employment portal, worknet.gov.ge, in effect since 2013, in the framework

94 UN Convention on the Rights of Persons with Disabilities, Article 27.

95 The Parliamentary Report of the Public Defender of Georgia on the Protection of Human Rights and Freedoms in Georgia, 2015, p. 1085, available: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>; visited: 12.01.2018.

96 Ibid., p. 757.

97 Note: The existing legislation only provides for minimal tax relief regulations only for the concrete categories of the persons with disabilities, which exempts a part of the persons with disabilities from the obligation to pay the income tax, the Tax Code of Georgia, Article 82.1.g, available at: <https://matsne.gov.ge/ka/document/view/1043717>; visited: 12.01.2018.

98 Implementation Guideline for the UN Convention on the Rights of Persons with Disabilities, Human Rights Education and Monitoring Centre (EMC), pp. 101-102, available at: <https://emc.org.ge/2014/08/18/uncrpd-is-implementaciis-gaidlaini/>; visited: 12.01.2018

99 The Ordinance N 279 of the Government of Georgia of July 23, 2012 “on Determining the Social Package”, Article 6.4, available at: <https://matsne.gov.ge/ka/document/view/1043717>, visited: 12.01.2018.

of which 12 persons with disabilities were employed in 2014, 9 in 2015 and 11 in 2016.¹⁰⁰ As far as the public sector is concerned, according to the data from 2015, out of 53, 103 persons employed in the public sector only 112 (0.2%) were persons with disabilities.¹⁰¹

In the governmental action plan, 5 activities were set out with the aim of supporting employment and labour. The plan set out (1) the obligation to elaborate Georgia's draft law on persons with disabilities and persons with special educational needs, (2) improving the database of job-seeking and employed persons with disabilities, (3) ensuring the creation and implementation of supporting employment programmes for persons with disabilities and persons with special educational needs, (4) developing a system of professional orientation and individual consulting of persons with disabilities and persons with educational needs, (5) obligations to ensure accessible physical and methodological environment in vocational learning institutions.

In the presence of the said challenges, the plan provides only limited efforts for the realization of the right to labour and does not include obligations on the use of adequate supporting mechanisms of employment, or mechanisms necessary for the protection of labour rights of persons with disabilities and persons with special educational needs. Despite the existence of challenges, the plan does not provide for the review of the legislation or for the correction of faults, nor does it include the component of the study of the needs of persons with disabilities, which is essential for the assessment of the existing reality and the proper planning of policy. The plan does not include activities with the aim of collecting and sorting statistical information concerning the employment of persons with disabilities and persons with special educational needs. In the governmental action plan, we similarly do not encounter the obligation of the creation of an action plan with the aim of promoting employment, which would gradually consider steps of solving the problem and identify priorities. The plan does not comprise the obligations to inform the society on the mechanisms that aim to support the realization of the right to labour and employment.

The Progress of Implementation of the Plan

The plan provides with the obligation of elaboration a law on the conception of supporting the employment of persons with disabilities and persons with special educational needs and on their social integration (Activity 19.1.12.2.). However, the elaboration and not the initiation of the draft law is identified as an indicator of the completion, which is in itself problematic. Given the current circumstanc-

100 Correspondence N 01/58169 of the Ministry of Labour, Health and Social Affairs of Georgia, July 29, 2016.

101 The Parliamentary Report of the Public Defender of Georgia on the Protection of Human Rights and Freedoms in Georgia, 2015, p. 1087, available at: <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, visited: 12.01.2018.

es, with this aim, the institution has created a working group, however, at this stage no documents have been elaborated.¹⁰² Moreover, the Ministry notes that the passing of the law on the social integration of persons with disabilities is no longer being reviewed for the moment.¹⁰³ The plan also included the obligation to improve the database on job-seeking and employed persons with disabilities (Activity 19.1.12.2), which is perceived by the body as a routine work of administering persons with disabilities in the database and one that does not imply a new obligation, like improving the database itself and tailoring it further to the aim of a proper identification of the needs of persons with disabilities. The given activity has the status of fulfilled in the report on fulfillment of the Governmental action plan.¹⁰⁴

The plan provides for the obligation of creating supporting employment programmes for persons with disabilities and persons with special educational needs, which consists of creating and implementing supporting employment programmes (Activity 19.1.12.3). The plan sets the minimum rate of 100 beneficiaries using the service. Importantly, in this case, a proper indicator is not only the number of those using the programme, but the number of those employed by the programme, since it is impossible to check the effectiveness of the programme by the increase of the number of participants alone. Within the framework of this obligation, the number of persons with disabilities registered on the portal was 2465 according to the data of 2016, and according to the data of 2017-3535.¹⁰⁵

As part of the work undertaken in the framework of the given obligation, it has become clear that since 2016 there has functioned in the country “State Development Programme for Employment Support Services”, which aims to develop/implement an active policy of labour and employment support services in the country. The programme includes the components of elaborating mechanisms with the aim of supporting the employment of the vulnerable, uncompetitive groups (among them persons with disabilities and persons with special educational needs), adaptation of the work environment and subsidizing the wages.¹⁰⁶ As part of the salary subsidizing component, the state ensures a 50% co-funding of the wage, for no more than 4 months, in the amount of approximately 460 GEL.¹⁰⁷ As part of the said obligation, with the aim of forming supported employ-

102 The correspondence N 01/61805 of the Ministry of Labour, Health and Social Affairs of Georgia, October 2, 2017.

103 Ibid.

104 The Report on the Implementation of the Governmental Action Plan for Human Rights (for 2016-2017 years), p.349

105 The correspondence N 01/21055 of the Ministry of Labour, Health and Social Affairs of Georgia, April 12, 2018

106 Ibid.

107 “The State Programme for the Employment Supporting Services”, available at: <https://matsne.gov.ge/ka/document/view/3616095>, visited: 12.01.2018

ment consultation group, employment support specialists were selected (Job Coaches).¹⁰⁸ Apart from that, in 2016, consultants undertook a course of study on supported employment.¹⁰⁹

The introduction of the abovementioned programme by the state is unconditionally an important step that ought to be assessed positively. However, at this stage, efforts undertaken with the aim of employing persons with disabilities and persons with special educational needs show limited achievements. Within the 2016-2017, the support consultations were provided to 519 persons with disabilities,¹¹⁰ which represent only 14.68% out of 3 535 persons with disabilities registered at the employment portal.¹¹¹ As for the employment index, it is even lower, as a result of support employment consultants, in 2016, 11 persons were employed on the basis of a temporary agreement, and in 2017, 42 persons with disabilities and only 4 of them signed a permanent contract.¹¹² In total, 53 persons with disabilities, who are employed, does not constitute even 1% of persons with disabilities, who are 18 and above (114 989 people with disabilities).

In the framework of the obligation to develop a system of individual consulting and professional orientation of persons with disabilities and persons with special educational needs, and of retraining relevant personnel (Activity 19.1.12.4.), prior to the initiation of the plan by the Ministry of Science and Education, namely in December 2015, a methodology of pre-vocational preparation was prepared.¹¹³ However, the implementation of the said methodology has not taken place. It was only piloted by the institution.¹¹⁴ Moreover, with the aim of elaborating a procedure of professional orientation for persons with special educational needs, 2 working meetings were held but the procedure has not been elaborate to date.¹¹⁵

The last activity considers the obligations of involving persons with disabilities and persons with special educational needs in the process of ensuring the physical and methodological environment for persons with disabilities and during the implementation of qualification/requalification programmes (Activity 19.1.12.5). While evaluating the plan, the monitoring group is using a number of indicators

108 The correspondence N MES 9 17 01013719 of the Ministry of Education and Science of Georgia, Appendix N 1, 5 September 2017.

109 The correspondence N 01/61805 of the Ministry of Labour, Health and Social Affairs of Georgia, October 2, 2017.

110 The Report on the Implementation of the Governmental Action Plan for Human Rights (for 2016-2017 years), p.350

111 The correspondence N 01/21055 of the Ministry of Labour, Health and Social Affairs of Georgia, April 12, 2018

112 The correspondence N 01/21055 of the Ministry of Labour, Health and Social Affairs of Georgia, April 12, 2018

113 The correspondence N MES 9 17 01013719 of the Ministry of Education and Science of Georgia, Appendix N1, September 5, 2017, available at: <http://inclusion.ge/res/docs/2016072118053726382.pdf>; visited: 14.01.2018

114 The correspondence N MES 4 17 01242756 of the Ministry of Education and Science of Georgia, Appendix 1, October 11, 2017.

115 The correspondence N MES 9 17 01013719 of the Ministry of Education and Science of Georgia, Appendix N1, September 5, 2017.

set out in the plan, but refuses to use the indicator that ties to the existence of need. The faulty nature of the indicator used needs to be remarked, for it is tied to the quantitative rate and excludes the potential of evaluating the quality and impact of the implemented work.

One of the indicators of the plan is to reception of education in the vocational educational institution by at least 150 persons with disabilities. It is important that while evaluating activities based on the said criteria, we ought to remember that out of 262 persons with disabilities enrolled in vocational education in 2016, only 77 (29.3%) were able successfully to complete the plan.¹¹⁶ It is impossible definitively to assess the completion of the plan due to the absence of statistical data from 2017.

According to the plan, adaptation of 5 learning institutions is set as one of the indicators of the completion of the task. According to the data provided, out of 16 vocational learning institutions in Georgia, 4 are adapted in accordance with universal design principles.¹¹⁷ However, studies show that their adaptation began before the initiation of the plan, in 2014-15.¹¹⁸ The final indicator of the activity is the number of person participation in the state programme for vocational training and retraining and improving qualifications. The activity will count as completed if its rate exceeds 50. Based to the analysis of requested information, it becomes clear that in 2016-2017, 57 persons benefited from the program's qualification enhancement component and 16 out of them were employed, and 157 persons, who benefited from the training-retraining component, only 21 persons were employed.¹¹⁹ The number of the employed in this program is 1,04% of people with disabilities registered at the employment portal.

Summary

It is clear that the plan does not fully represent all the obligations necessary for the realization of the right to labour of persons with disabilities and persons with special educational needs. This includes matters such as eradicating faults in national legislation, improving legislation, among them by reflecting the principle of reasonable adjustment, promoting research activities and administration of statistics, as well as by creating policy documents that would gradually consider the state's efforts necessary to resolve existing problems.

116 The correspondence N MES 4 17 01242756 of the Ministry of Education and Science of Georgia, Appendix 1, October 11, 2017.

117 Ibid.

118 "The Practice of Inclusive Education in Georgia", Civic Development Institute (CDI), 2016, p. 48, available at: <http://cdi.org.ge/uploads/pages/alternative-report-on-the-implementation-of-crpd-education-cdi-geo-91.pdf>, visited: 12.01.2018.

119 The correspondence N 01/21055, of the Ministry of Labour, Health and Social Affairs of Georgia, April 12, 2018

The process of monitoring clearly shows that the quality of implementing obligations assumed in the plan is problematic. The inspection of tasks to be completed in the framework of the plan shows that certain obligations have been fulfilled by the responsible institutions the majority are only partially fulfilled. In the part of the realization of the right to labour, the plan only provided for the creation of a law on the “Social Integration of Persons with Disabilities” and a conception for the employment of persons with special educational needs. However, the obligation was not fulfilled. As far as the employment support programme for persons with disabilities and persons with special educational needs is concerned, their creation and initiation of implementation is a positive step by the state; however, considering the limited scale and the content of the programmes, they are unable to have a considerable impact on the rate of employment. Especially so since the country does not have clear normative guarantees supporting the realization of labour and employment rights.

A huge obstacle is presented by the absence of official statistical data on the employment of persons with disabilities and persons with special educational needs in the private sector.¹²⁰ Moreover, data shows that the rate of employment in public sector has worsened in comparison to 2015. Namely, according to the 2016 data, the number of persons with disabilities employed in the public sector has fallen from 112 to 52, which represents 0.1% of 51 242 persons employed in the public sector.¹²¹ Out of 2 465 persons registered during 2016-17 on the electronic portal, www.worknet.gov.ge, only 114 (4.6%) have been employed on the basis of a temporary labour contract.¹²² Moreover, significant problem is posed by the fact that the state does not administer qualitative assessments of implemented works.

Ensuring the Accessibility of Education

Assessing the Relevance of the Task and Activities

In the context of the accessibility of education, prior to the elaboration of the 2016-17 governmental action plan on the protection of human rights, the main problem was posed by the quality and continuity of inclusive education. Most of the children with disabilities, especially in the regions, were not involved in the said process. Problematic were also the number and qualifications of special teachers, as well as the accessibility of learning institutions and learning material.¹²³ Only

120 “There is no statistical data available for the self-employed persons with disabilities, or those employed in the private and informal sector”. The correspondence N 01/68617 of the Ministry of Labour, Health and Social Affairs of Georgia, September 8, 2016.

121 The Annual Report of the Civil Service Bureau for 2016 year p. 24, available at: <http://csb.gov.ge/uploads/slide/book-22.pdf>, visited: 12.01.2018.

122 The correspondence N 01/55298 of the Ministry of Labour, Health and Social Affairs of Georgia, August 29, 2017.

123 The Parliamentary Report of the Public Defender of Georgia on the the Protection of Human Rights and Freedoms in Georgia, 2015, p. 754, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, visited: 01.02.2018.

60% of children with disabilities in the foster care sub-programme were involved in inclusive teaching, 15% of children with special educational needs were in need of inspection by the multidisciplinary team, those children who were engaged in the reintegration programme but had mobility problems were hindered from realizing their right to education and were not assessed by the multidisciplinary team.¹²⁴ In the process of receiving general education, a special challenge was posed by the inexistence in the country of specialized schools, which is not in accord with the demands of the Convention.¹²⁵ The chief challenge in the context of pre-school education was posed by the absence of statistical data concerning the number of children with disabilities in kindergartens. Also problematic was the inexistence of a united document that would elaborate the fundamental directions of the education of preschool kids.¹²⁶ Only part of the challenges concerning the right to education for persons with disabilities had been reflected in 2016-2017 Governmental Action for protecting human rights.

The Progress of Implementation of the Plan

The task of “ensuring accessibility to education” (19.1.13) established by 2016-2017 Governmental Action Plan has been linked to revision and farther perfection of general, vocational and higher education regulatory legislation (Activity 19.1.13.1.). According to the information provided by Ministry of Education and Science of Georgia, the above-mentioned activity has been partially fulfilled. The project of legislative changes has been created for Law of Georgia “On General Education”. A special record appeared in Law of Georgia “On Higher Education”, by which a higher education institution’s duty to create appropriate facilitating conditions for persons with disabilities is outlined. However, the project for law on vocational education hasn’t been prepared and the work undertaken during implementation process of the plan only includes reflection of supporting principles for inclusive education within the frames of Law of Georgia “On Vocational Education”.¹²⁷ Also, the current edition of the law doesn’t contain records about persons with disabilities, Persons with special educational needs and inclusive vocational education.

During the implementation process of the Action Plan the situation of pre-school cycle for inclusive education must be analyzed in order to ensure accessibility to education (Activity 19.1.13.2.). Even though, the information about plan progress processes, provided by Ministry of Education and Science of Georgia, doesn’t in-

124 The Parliamentary Report of the Public Defender of Georgia on the Protection of Human Rights and Freedoms in Georgia, 2015, pp. 611-654. <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, visited: 01.02.2018.

125 A study of Human Rights Education and Monitoring Centre, “Assessment of the Legal Capacity System Reform and its Implementation Process”, 2016, p. 74, <https://emc.org.ge/2016/06/07/emc-82/>, visited: 26.01.2017.

126 A study of Human Rights Education and Monitoring Centre, “Assessment of the Legal Capacity System Reform and its Implementation Process”, 2016, p. 74, <https://emc.org.ge/2016/06/07/emc-82/>, visited: 26.01.2017.

127 The Letter N 91800144471 of the Ministry of Education and Science of Georgia, February 9, 2018.

clude any record of performing such activities. Also, information about the implementation of the Activity 19.1.13.4 has not been provided, which concerns the professional development of teachers on general and vocational education level in order to implement the principles of inclusive education.¹²⁸

In order to improve the quality of documents that regulate inclusive education issues, the performed work during the plan included bringing changes into the regulation “On approval of the list of necessary documents to be submitted to the pupil of the general education institution of Georgia”. After corroborating the following regulation, procedures for enrollment of pupils in boarding schools got complicated. “Regulatory Document for Inclusive Education in Public Schools” is already prepared and is on the final stage of approval.¹²⁹

Development of a special teacher university program (Activity 19.1.13.6.) has been fulfilled and relevant program is being implemented at Ilia State University. Also, the three-year implementation plan for adaptation of physical environment at public schools has been elaborated. (Activity 19.1.13.8.) However, the scheme for professional and career growth of special teachers hasn't been elaborated (Activity 19.1.13.5.) and according to supplied information, the work in this direction is in progress.¹³⁰

In the frames of the Action Plan relevant activities have been implemented to develop supporting educational resources for students with special educational needs (Activity 19.1.13.7.).¹³¹

Only a part of the challenges existing in the direction of the right to education of persons with disabilities was reflected in the 2016-17 governmental action plan on human rights. Namely, the plan provided for the revision of the legislation regulating general, vocational and high education (Activity 19.1.13.1), conducting situational analysis (research) of inclusive education at the preschool level (Activity 19.1.13.2.), improving regulatory documents of inclusive education (Activity 19.1.13.3), elaborating a scheme for the professional and career growth of a special teacher and elaborating the university programme for special teachers (Activity 19.1.13.5. and Activity 19.1.13.6.), preparing supporting educational re-

128 The Letter N 91800144471 of the Ministry of Education and Science of Georgia, February 9, 2018.

129 The letter N 91800144471 of the Ministry of Education and Science of Georgia, February 9, 2018.

130 The letter N 91800144471 of the Ministry of Education and Science of Georgia, February 9, 2018.

131 Alternative educational standards and development activities for I-IV grade mathematics students and V-VI grade Georgian language and literature students have been elaborated. The following manual books have been printed: Mathematics (two parts) – Student's book, Teacher's book, Georgian language (two parts) – Student's and Teacher's books, Georgian language – Teacher's Guide, Mathematics – Teacher's Guide, Preface – Teacher's Guide. To improve the quality of education for deaf persons, in the framework of Georgian language, Mathematics and Natural sciences Programs for I-III grade students, manual books in Georgian sign language have been identified and placed on the web-site: (ge.signwiki.org).

sources for pupils with special educational needs (Activity 19.1.13.7.), elaborating an action plan for the development of infrastructure for persons with disabilities according to years (Activity 19.1.13.8.).

Summary

Despite the implementation of activities in the framework of the plan with the aim of protecting the right to education of persons with disabilities, the reception of a quality inclusive education at the levels of preschool, general, vocational and higher education still represents a problem for persons with disabilities. Accordingly, it is important that the future action plan reflect all those fundamental challenges that still hinder the practical realization of the right to education by persons with disabilities.

Despite passing the Georgian law on “Early and Preschool Upbringing and Education”, kindergartens are not fully accessible for children with disabilities. The absence of a united database, which makes it harder to provide services tailored to the needs of children, still represents a problem. The qualification of educators needs to be singled out, especially so in the process of working with children with disabilities.¹³²

During the reception of general education, a challenge is posed by the united funding mechanism that does not respond to the educational needs of all children. The matters of the status of special pedagogues and integrated classes are still unregulated. There exists no conception of integrated classes. The Ministry of Education does not have precise statistical data on children with disabilities enrolled in institutions of general education and generates it along with the united database of persons with special educational needs. The system of specialized education continues to function in the country. A challenge is posed by the quality and continuity of inclusive education. Most children with disabilities, especially in the regions, are not involved in the educational process. The insufficient number and qualifications of special pedagogues represents a problem, along with the inaccessibility of the physical environment, disarray of transportation, and the accessibility of learning institutions, school inventory and learning material. Out of 505 mountainous village schools, only 171 have inclusive teaching. However, even in the said cases, inclusive teaching does not have a complex nature. The number of the members of the multidisciplinary team is problematic and their systemic involvement in the process of educational process, the secondary evaluation/revaluation of pupils with special educational needs, case management, progress measurement and the monitoring of the learning process do not take place properly.¹³³

132 The Report of the Public Defender of Georgia on the Protection of Human Rights and Freedoms in Georgia, 2016, pp. 681-684. Accessible here: <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, visited: 28.01.2018.

133 The Report of the Public Defender of Georgia on the Protection of Human Rights and Freedoms in Georgia, 2016, pp. 684-688, <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, visited: 28.01.2018.

Vocational Education

Assessing the Relevance of the Task and Activities

The Convention on the protection of the rights of persons with disabilities implies the state's duty to ensure for persons with disabilities equal accessibility to vocational education, which ought to be a means of protecting their dignity and fundamental rights, as well as a means of realizing their talents and skills. This ought to ensure their complete involvement and participation in the life of the society, and aim for their real penetrability of the labour market.¹³⁴

Studies available at the time of elaborating the plan show that in the beginning of 2016, inclusive education for persons with special educational needs and for persons with disabilities were not at all introduced at the level of vocational education and the absence of an appropriate legislative base, of needs-based studies and of the law on vocational education posed a challenge.¹³⁵ Also problematic was the issue of the geographic accessibility of vocational education, since it was possible to receive vocational education only in Tbilisi and a few municipalities. Moreover, the absence of adapted learning and physical environments in vocational learning institutions,¹³⁶ as well as the absence of a supporting system for the transition of persons with disabilities and persons with special educational needs from vocational educational institutions to the workplace and an unsatisfactory level of teaching at the institutions.¹³⁷ Moreover, inappropriateness of the procedure of enrollment in vocational learning institutions and the insufficiency of the time allotted for stages of registration,¹³⁸ low level of awareness concerning the accessibility of vocational education, and scarcity of efforts aiming at raising awareness were being identified as challenges.¹³⁹

The 2016-17 governmental action plan set out a number of activities with the aim of increasing the accessibility to vocational education of persons with disabilities and persons with special educational needs, namely: (1) improving the law on vocational education, (2) professional development of teachers, (3) overseeing policy of vocational education with the aim of increasing accessibility of vocational education, (4) developing human resources in vocational education, (5) ensuring an adapted environment, including by changing the authorization document. Apart from this, the plan included in the chapter on labour and em-

134 UN Convention on the Rights of Persons with Disabilities, Article 24.

135 "Accessibility of Vocational Education for Vulnerable Groups", the study was conducted in the framework of the initiative of the Ministry of Education and Science of Georgia: "Introducing Inclusive Education in Georgia's Vocational Educational and Requalification System", p. 41, available at: <http://inclusion.ge/geo/static/241>, visited: 14.01.2018.

136 Ibid.

137 Ibid. p. 34.

138 Ibid. p. 33.

139 Ibid. p. 22.

ployment of persons with disabilities the obligation to develop professional orientation system, as well as the obligation to ensure physical and methodological environment in vocational educational institutions.¹⁴⁰

Despite the consideration given to important matters in the plan, it ought to be remarked that the plan does not fully consider a number of important obstacles present in the system of vocational education. Namely, the plan does not consider obligations in the direction of eradicating the existing barriers with the aim of improving the accessibility of vocational education by expanding the geographic area of vocational educational institutions; the introduction of quality control and monitoring with the aim of improving the quality of vocational education; the need to raise the awareness on the availability of vocational education in order to ensure the inclusion of persons with disabilities and persons with special educational needs.

The Progress of Implementation of the Plan

The 2016-17 governmental action plan took into account the obligation to revise and improve the law on vocational education (Activity 19.1.13.1.). The elaboration of the changes was set as the indicator. However, it should to be remarked that the indicator for the given activity ought to have been the initiation of the change in the legislative organ. Accordingly, the condition of the completion of the activity was assessed by the monitoring group with this indicator precisely. The preparation of appropriate changes in the law "On Vocational Education" has begun already in March 2014 with the creation of a working group at the Ministry.¹⁴¹ At this stage, the elaborated version of the change was published on the website of the Ministry of Education and Science. However, it has not been initiated at the parliament. Due to the delay in the elaboration of the change and the absence of its initiation at the legislative body, this activity is assessed as only partly fulfilled. Apart from this, the plan took into consideration the development of teachers in the vocational learning institutions (Activity 19.1.13.4) and of human resources of learning institutions (Activity 19.1.13.11), which implies permanent care for the development both of academic and administrative personnel jointly and for the improvement of their qualifications.

Analysis of information provided in the part of completion of the said obligations proves¹⁴² that the improvement of the qualifications of teachers of voca-

140 Note: The report of the implementation of the abovementioned obligation will be reviewed in the relevant chapter.

141 "Accessibility of Vocational Education for Vulnerable Groups". The study was conducted in the framework of the initiative of the Ministry of Education and Science of Georgia: "Introducing Inclusive Education in Georgia's Vocational Educational and Requalification System", p. 15, available at: <http://inclusion.ge/geo/static/241>, visited: 14.01.2018.

142 The correspondence N MES 8 17 00971257 of the Ministry of Education and Science of Georgia, Appendix N1, August 23, 2017.

tional learning institutions took place by means only of direct teaching (trainings) and that the conducted trainings perceived the target group as being mostly the teachers.¹⁴³ Official data shows that the trainings that were conducted are limited. Namely, in the framework of the 2016 action plan, 2 thematic trainings were held. In the first one, 318 teachers from 16 public schools (20 groups) participated, and the second training was attended by 21 inclusive education specialists and student assistants from 20 public colleges.¹⁴⁴ During 2017, the Ministry held two further trainings that were attended by specialists of inclusive education and student assistants. However, it ought to be remarked that the length of trainings was 10 hours in 2016 and 3-4 hours in 2017.¹⁴⁵ Monitoring shows that the Ministry implemented efforts undertaken with the aim of improving the qualifications of specialists of vocational education only by using its own human resources - the requalification programme does not represent the Ministry's systemic and sustainable work. The scale of the trainings held shows that it is small-scale, is not systemic and does not represent a part of a permanent process of improving qualifications.¹⁴⁶ Considering the quantity and length of the trainings, this activity cannot be viewed as a proper mechanism of ensuring qualification-requalification of personnel employed in vocational education. Moreover, analysis of requested data shows that this cycle of requalification has not included administrative personnel employed in vocational learning institutions. According to the data of 2017, only about 730 from 4000 teachers involved in the vocational education program took part in the trainings conducted at different times for the purpose of professional development.¹⁴⁷ Apart from this, it is problematic that the Ministry does not administer the analysis and assessment of the influence/impact of completed work, which makes it further difficult to assess the effectiveness of the training cycle.

One of the activities of the plan, with the aim of enhancing the authorization standard, is the creation of adapted environment for students with special educational needs and ensuring their inclusion in the educational process (Activity 19.1.13.12.). The plan sets as the indicator of the said activity the renewed regulation of the educational authorization body, which aims to support the education and adaptation into the educational environment of persons with special educational needs that in itself does not represent a valuable indicator of measuring the activity.

143 The correspondence N MES 4 17 01242756 of the Ministry of Education and Science of Georgia, Appendix 1, October 11, 2017.

144 The correspondence N MES 8 17 00971257 of the Ministry of Education and Science of Georgia, Appendix N 1, August 23, 2017. "In the framework of the Action Plan, in 2016, two thematic trainings were held. 318 teachers from 16 public schools (20 groups) took part in the first training, while in the second one 21 specialists of the inclusive education and student assistants from 20 public colleges were participated".

145 The correspondence N MES 4 17 01242756 of the Ministry of Education and Science of Georgia, Appendix 1, October 11, 2017,

146 Ibid.

147 The correspondence N MES 21800424437 of the Ministry of Education and Science of Georgia, April 17, 2018

It ought to be said that, in the period of the plan's activity between the years of 2016 and 2017, no changes have been implemented in the standard of authorization in the context of creating and improving an adapted environment for students with special educational needs (according to the information from the Ministry, the adoption of the elaborated sub-standard is planned).¹⁴⁸ Moreover, the standard of adapted environment, reflected in the authorization regulation in 2010, only concerns the physical environment of the learning institution and does not include the learning environment.¹⁴⁹ Moreover, the existing standard of authorization does not take into account the obligation to adapt the environment in accordance with the universal design principles as provided for by the UN Convention on the Rights of Persons with Disabilities.¹⁵⁰

Summary

In spite of the challenges existing at the time of Action Plan elaboration, it did not entirely cover the responsibilities such as monitoring of the vocational education and quality control as well as informational and awareness raising activities for the people with disabilities and for the people in need of special education. It is problematic that the action plan does not include the research on special needs and expansion of geographic area of educational institutions in the different regions of Georgia for increasing the accessibility to the vocational education.

Besides, it is problematic to fulfill the obligations laid down in the Action Plan. No changes have been initiated in the 'Law on Vocational Education' yet. Thus, in the provision on authorization of the educational institutions, there has not been incorporated the standard obliging to create an adapted environment for the persons with disabilities and for the persons with special educational needs being at the stage of vocational education by considering the universal design principles. Current data regarding the fulfillment of the action plan shows that the effort of the Ministry of Education and Science in the indicated working direction is limited to organizing training for teachers and to qualification-raising activities for the personnel of the vocational educational institutions, which is not systemic and sustainable in nature.

Consequently, the creation of proper legislation for inclusive vocational education, as well as the creation of sub-legislative acts¹⁵¹ that will fully consider the

148 Ibid.

149 The Order of the Minister of Education and Science of Georgia of October 1, 2010 "On the Authorisation of Educational Institutions and the Payment of Tuition Fees", available at: <https://matsne.gov.ge/ka/document/view/1031755>, visited: 12.01.2018.

150 "In 2016 and in the first half of 2017, 22 vocational educational institutions passed the authorisation", the correspondence N MES 4 17 01242756 of the Ministry of Education and Science of Georgia, Appendix N1, 11 October 2017.

151 "The Protection of the Rights of Persons with Disabilities in Georgia", the Public Defender of Georgia, 2016, p. 28.

right to receiving inclusive vocational education and all fundamental matters connected with it, still remain as important challenges. To the necessity of introducing individual approaches attests also the strategy document of the reform of vocational education.¹⁵²

Throughout the years, the equal geographic availability of vocational education has remained as a considerable obstacle.¹⁵³ In the case of absence of housing and a life under hard social conditions, this turns into an unconquerable obstacle for persons with disabilities and persons with special educational needs.¹⁵⁴ Also, in the process of receiving quality education by persons with disabilities and persons with special educational needs, the unadapted physical and learning environment poses a problem¹⁵⁵ Out of 16 professional state educational institutions that exist in Georgia, as of this time, only 4 have been adapted in compliance with the universal design principles. The rest of the vocational educational institutions are only partly adapted.¹⁵⁶

Despite the Ministry's efforts, the issue of ensuring quality education at the level of vocational education remains.¹⁵⁷ Also remains the need to create an instrument for the quality assessment of the educational and learning process, which will enable the measurement of results achieved in relation to each student with special educational needs and also enable the evaluation of programmes.¹⁵⁸ In the context of problems and challenges that exist in vocational education, the rate of the involvement into vocational education of persons with disabilities and persons with special educational needs is low, as is the rate of successful results. In 2016, 262 persons with disabilities and persons with special educational needs were enrolled into vocational education. In 2017 (the initial phase), 80 persons with special educational needs and persons with disabilities. However, out of 262 enrolled persons in 2016, only 77 (29.3%) completed their studies successfully.¹⁵⁹

152 "The Practice of Inclusive Education in Georgia", Civic Development Institute (CDI), 2016, p. 17, available at: <http://cdi.org.ge/uploads/pages/alternative-report-on-the-implementation-of-crpd-education-cdi-geo-91.pdf>, visited: 12.01.2018.

153 Strategy for Reforming of the Vocational Education (for 2013-2020 years), available at: http://gov.ge/files/273_39678_242377_300-1.pdf, visited: 12.01.2018

154 "Accessibility of Vocational Education for Vulnerable Groups". The study was conducted in the framework of the initiative of the Ministry of Education and Science of Georgia: "Introducing Inclusive Education in Georgia's Vocational Educational and Requalification System", pp. 18, 35. available at: <http://inclusion.ge/geo/static/241>, visited: 14.01.2018.

155 "The Protection of the Rights of Persons with Disabilities in Georgia", The Public Defender of Georgia, 2016, p. 29.

156 The correspondence N MES 4 17 01242756 of the Ministry of Education and Science of Georgia, Appendix 1, October 11, 2017.

157 The Practice of Inclusive Education in Georgia", Civic Development Institute (CDI), 2016, pp. 11,49. available at: <http://cdi.org.ge/uploads/pages/alternative-report-on-the-implementation-of-crpd-education-cdi-geo-91.pdf>, visited: 12.01.2018.

158 Ibid., pp. 11, 50.

159 The correspondence N MES 4 17 01242756 of the Ministry of Education and Science of Georgia, Appendix N1, October 11, 2017.

In addition, the rate of employment after getting vocational education is low. According to data from 2016-2017, the number persons with disabilities, who were employed after receiving the vocational education, was 51.¹⁶⁰

Participation in Cultural, Recreational and Leisure Activities

Assessing the Relevance of the Task and Activities

The Convention on the Rights of Persons with Disabilities recognizes and obliges the signatory states to ensure an accessible environment for persons with disabilities for participation in cultural life.¹⁶¹ Unfortunately, problems that arise in the process of realizing the right of persons with disabilities to participate in cultural life often do not represent the subjects of interest and research which results in the scarcity of analytic information to this end. Accordingly, at the time of the initiation of the plan, there was an acute need of creating a development document based on the study of the needs of persons with disabilities. Moreover, at the time of elaborating the plan, the problem of inaccessibility of buildings under the management of the Ministry of Culture and Monument Protection of Georgia was an apparent problem. Only a third of buildings under the management of the Ministry are partly adapted,¹⁶² but none of them are adapted in accordance with universal design principles.¹⁶³

In order to ensure an equal participation of persons with disabilities into cultural, recreational and entertainment events, the plan provided for two activities: (1) a study of the needs of persons with disabilities in the context of accessibility to cultural institutions and material and (2) preparing legislative changes, a strategy of culture and elaboration an action plan in order to ensure the accessibility of cultural institutions, among them theatres, cinemas, museums, libraries and cultural monuments. It is important that the plan included a number of fundamental efforts, among them, elaborating legislation, research-based strategy and an action plan. However, the plan did not take into account the obligation of accessibility of the physical space and material in order to ensure the accessibility to cultural life and abolish the existing barriers.

The Progress of Implementation of the Plan

Obligations as set out in the plan for the Ministry of Culture implied (1) the study of the needs of persons with disabilities and (2) elaborating and initiating legisla-

160 The correspondence N MES 21800424437 of the Ministry of Education and Science of Georgia, April 17, 2018

161 UN Convention on the Rights of Persons with Disabilities, Article 30.

162 As of October, 2016, out of 86 buildings under the administration of the Ministry, only 21 buildings were fully or partly adapted (24.4%) (13 with wheelchair ramps; 8 with wheelchair ramps and WCs). Source: Administration of the Government of Georgia, the correspondence N 36194, 03.10.2016.

163 "The website of the Ministry of Sport and Youth Affairs of Georgia is not adapted for persons with disabilities. As far as the building of the Ministry is concerned, only the entrance and the first floor foyer are adapted"; Administration of the Government of Georgia, the correspondence N 36194, 03.10.2016.

tive changes, and passing the strategy of culture and the action plan, in order to ensure the accessibility of cultural institutions.

The monitoring team has repeatedly requested information from the Ministry on the research foreseen by the Plan, including the research methodology, target group and other issues; however, the Ministry has not confirmed the information about carrying out of such research. Instead of the research of the needs of persons with disabilities, the information provided by the Ministry concerned elaboration of the policy documents – Strategy and Action Plan of Culture,¹⁶⁴ which should be based on the research of needs. The implementation report of the Plan shows that in 2017, the Ministry of Culture and Monument Protection of Georgia started elaboration of the “Guideline for the equal participation of the persons with disabilities in the cultural and creative life”,¹⁶⁵ in order to fulfill the obligation concerning the carrying out of the research, which is welcomed, however, the above mentioned activity cannot be qualified as the research of the needs and, therefore, the obligations under the Plan are not considered as fulfilled.

Moreover, the Ministry has not elaborated (and has not initiated) any legislative acts¹⁶⁶ with the aim of increasing the accessibility of persons with disabilities to cultural life, which points to a complete failure of the Ministry to fulfill the aforementioned obligations.

According to the data provided by the responsible institution, a strategy of culture and monument protection - “Strategy of Culture 2025” - has been formulated that sets out the fundamental activities in the field of culture.¹⁶⁷ According to the institution, the process of initiating and elaborating “Strategy of Culture 2025” included the possibility of societal participation. However, the Ministry could not ensure the involvement of persons with disabilities and their representatives into the process due to the lack of interest on their part.¹⁶⁸ It is noteworthy, that one of the directions of the Strategy document is to ensure accessibility to culture and to defend the diversity of cultural expression, in general for all members of the society, including the persons with disabilities. Apart from the Strategy, in order to ensure the equal participation of the persons with disabilities in the cultural and creative life, the Ministry has developed a “Guide for Provision of the Equal

164 The Correspondence N 13/13-4098 of the Ministry of Culture and Monument Protection of Georgia, October 6, 2017.

165 The Report on the Implementation of the Governmental Action Plan for Human Rights (for 2016-2017 years), p. 363.

166 The Correspondence N 13/13-4098 of the Ministry of Culture and Monument Protection of Georgia, October 6, 2017.

167 “Strategy of Culture 2025”, available at: <http://www.culturepolicy.gov.ge/getfile/c6ebf2e3-4510-4588-a062-29f438ac1d37/.aspx>, visited: 14.01.2018.

168 Correspondence N13/13-4098 of the Ministry of Culture and Monument Protection of Georgia, October 6, 2017.

Participation of Persons with Disabilities in the Cultural and Creative Life of the Society” and the Action Plan for 2017-2018 years.¹⁶⁹ The abovementioned should be welcomed; however, the elaboration of the said action plan was not based on the study of the needs of persons with disabilities that casts doubt on its compatibility with the real needs of the community.

Summary

The action plan included a number of fundamental directions. However, the plan did not take into account one of the most important components in increasing accessibility to cultural environment - the obligation to adapt the physical environment and material of cultural institutions. Moreover, obligations set out in the plan remain unfulfilled. Namely, the Ministry has not prepared the appropriate legislative changes and a study of the needs of persons with disabilities. Also, while the Ministry’s efforts in elaboration the strategy of culture and the action plan are to be welcomed, in the absence of a research document of the needs of persons with disabilities, questions arise regarding their compatibility to the real requirements of persons with disabilities.

Moreover, the analysis of other activities implemented by the Ministry shows that the Ministry mostly sets as the way of ensuring the participation into cultural life of persons with disabilities one-off activities that in sum do not ensure the incultation of a real and sustainable practice based on broad inclusion.¹⁷⁰

Recommendations

With the aim of protecting the rights of persons with disabilities, the Action Plan of the Government of Georgia on the Protection of Human Rights should consider the following recommendations:

With the aim of harmonizing of the national legislation with the UN Convention:

- A systemic oversight of national legislation with the aim of full harmonization with the Convention on the Rights of Persons with Disabilities should be carried out; packages of appropriate legislative changes should be prepared with the aim of eradicating the identified faults;
- The Optional Protocol of the Convention on the Rights of Persons with Disabilities should be ratified;

¹⁶⁹ “Guide for Provision of the Equal Participation of Persons with Disabilities in the Cultural and Creative Life of the Society” and the Action Plan for 2017-2018 years, available at: <http://www.culturepolicy.gov.ge/CulturePoli/ActionPlan.aspx> , visited: 14.01.2018

¹⁷⁰ Correspondence N13/13-3630 of the Ministry of Culture and Monument Protection of Georgia, August 25, 2017.

- A study should be conducted with the aim of identifying legislative shortcomings in the process of the reform of legal capacity system, which is going to be followed with the appropriate legislative changes;
- A social model of assessment of persons with disabilities and granting the status should be elaborated and implemented in practice;
- In parallel of the assessment of the persons with disabilities in accordance with the social model, a study of the needs of persons with disabilities should be conducted with the aim of identifying of the services tailored to their individual needs.

With the aim of establishing institutional mechanisms provided by the Article 33 of the UN Convention:

- Bodies responsible for the implementation and coordination of the Convention according to the requirements of the Convention should be determined immediately, which should include the creation of an appropriate legislative base and allocation of appropriate financial and human resources with the aim of an effective functioning of the mechanism;
- The body responsible for the popularization, protection and the monitoring of implementation of the Convention at the national level should be strengthened with financial resources;
- Modal regulations for councils working on matters related to persons with disabilities at the municipal level should be elaborated and effectively implemented.

With the aim of ensuring the accessibility to means of transport for persons with disabilities:

- A concrete action plan should be determined in order to ensure accessibility to all forms of transport at the central, as well as municipal levels, by specifying appropriate dates, budgets and indicators, in the framework of which the full accessibility to means of transport will be ensured for all persons with disabilities;
- A special body should be created by legislation, which will be responsible for the implementation of the technical regulation, exposing violations and sanctioning accordingly;

- Standards for the accessibility of information and means of communication by persons with disabilities should be determined by legislation.

With the aim of realizing of the right to health of persons with disabilities:

- Individual needs of persons with disabilities should be determined in all state programmes of health protection;
- Physical accessibility of all medical institutions should be guaranteed that will not be based exclusively upon the requirement of a secure transportation of persons with disabilities and will be oriented towards creating the universal design;
- A continuous educational program for medical personnel on the standards of serving persons with disabilities and communication should be established;
- A plan should be created that will be oriented on the expansion of the geographic area of the ambulatory care services of mental health.

In order to realize the right to habilitation/rehabilitation of persons with disabilities:

- Programmes of the rehabilitation designed for the adults with disabilities should be elaborated and planned and adequate attention should be given to the specific needs of women and girls with disabilities;
- Research activities and the qualification/requalification of the relevant professionals in the direction of rehabilitation-habilitation should be supported;
- A study of needs aiming at identifying of the persons in need of means of aid and identifying their individual needs should be conducted.

With the aim of realizing of the right to education of persons with disabilities:

- A concrete action plan should be created for ensuring accessibility to the physical environment of pre-school institutions, public schools, vocational and higher education institutions that will be based on the universal design principles;
- The status of special teacher should be made equal with the category of teacher and be placed in the scheme of teachers' professional development and career growth;

- Special, boarding house profile schools should be abolished;
- For the full realization of the right of persons with disabilities to vocational education, a study of the needs should be undertaken upon which its policy will be based;
- The obligation to initiate changes in Georgia's law "On Vocational Education" that shall determine the guarantees of inclusive education and provide the normative grounds for establishing the individual approach in the process of vocational education;
- The obligation to create appropriate by-laws for guaranteeing vocational education for persons with special educational needs and persons with disabilities, which will consider all the necessary procedures and guarantees for the realization of the right to vocational education by persons with special educational needs and persons with disabilities;
- The obligation to enhance the authorization regulation of vocational education so that it will consider the obligation of adapting the physical and learning environment of vocational educational institutions in accordance with the universal design principles;
- The obligation to expand the geographic area of educational institutions with the aim of increasing accessibility to vocational education; and prior to the full expansion of the geographic area, introducing student support programmes that ensures guaranteeing other components necessary for receiving housing and education;
- The obligation to provide a continuous process of qualification/requalification and improvement of qualifications with the aim of continuous care for the education of the personnel employed in vocational education system;
- Administering of a campaign concerning vocational education with the aim of raising awareness.

With the aim of realizing of the right of persons with disabilities to participate in political and community life:

- In order to involve persons with disabilities in social and political life, the state is obliged to undertake a study of needs, which will be a certain ground for ensuring full participation of the persons with disabilities in the public and cultural life, as well as elaborate a policy document that will gradually and

advisedly ensure the resolution of problems that exist at the normative and practical levels;

- The task, elaborated with the aim of increasing participation in social and political life, should be based on a complex vision and include the responsibility not only of the Central Election Commission, but also of all relevant responsible bodies;
- The state should ensure the gradual resolution of challenges faced by persons with disabilities and the needs-based identification of directions of priority, which should involve adapting the physical electoral environment as well as the informational environment, raising awareness and administering information campaigns to this end;
- With the aim of ensuring the adequate participation into social life of persons with disabilities, directions of priority should be determined and gradual efforts of their implementation should be planned.

With the aim of ensuring of the independent living of persons with disabilities:

- The process of gradual deinstitutionalization of large institutions should be carried out, in parallel with the creation and strengthening of community services;
- All necessary measures should be taken by the state aiming at carrying out of effective and timely policy of deinstitutionalization through the development of the relevant community services in the direction of mental health care;
- In order to support independent living of persons who have left state care, an appropriate strategy and action plan need to be elaborated, which will take into account the needs of housing, education, employment and other needs of persons with disabilities;
- The sub-programmes of community organizations should be expanded so that they cover the entire territory of the country and meet the requirements of persons with disabilities for accommodation in community organizations.

With the aim of realizing of the right of persons with disabilities to labour and employment:

- With the aim of enhancing legislation regulation the labour and employment of persons with disabilities and persons with special educational needs, ap-

appropriate activities should be undertaken, among them, eradicating barriers to employment in the current legislation, as well as reflecting the principle of reasonable accommodation in order to eradicate the discrimination;

- The legislation should provide for mechanisms encouraging employment that supports the growth of accessibility of persons with disabilities to employment;
- The scale and budget of employment support programmes should be increased and the state should create instruments for controlling the effectiveness and quality of the programmes;
- In order to ensure the employment of persons with disabilities and persons with special educational needs, the state should develop a strategy based on relevant research data, and an action plan that is going to be based on and consider needs identified in this direction;
- The National Statistics Office of Georgia-GEOSTAT in cooperation with the Ministry of Labour, Health and Social Affairs of Georgia should guarantee the administration of official statistical data on those employed in the private sector;
- The plan should consider the obligation to fully introduce a procedure of professional orientation, and to undertake the necessary work for improving the coordination mechanism of the vocational education and employment programmes.

With the aim of ensuring the equal participation of persons with disabilities into cultural life:

- In order to identify problems existing in the context of the right of persons with disabilities to equally participate in cultural life, a study of the needs should be conducted upon which the cultural policy is consequently going to be founded;
- Research should be conducted on legislative barriers hindering persons with disabilities from equal access to cultural life and, with the aim of eradicating them, necessary legislative changes should be initiated at the Parliament of Georgia;
- The Ministry of Culture should ensure the elaboration of a plan for the gradual adaptation of the physical environment and material in the buildings un-

der its administration and to initiate the process of adaptation in accordance with the universal design principles.

The Comparative Analysis of the Governmental Action Plans for 2014-2015 and 2016 -2017 Years

The Proper realization of the rights of the persons with disabilities has been a clear challenge for the state for years, since a number of fundamental issues continuously exist and their eradication is essential for the realization of the standards set out by the UN Convention (CRPD). However, the state has not been able to make relevant efforts in that regard.

The obligations foreseen by the Governmental Action Plans for 2014-2015 and 2016-2017 years with regard to the protection of the rights of persons with disabilities did not fully respond to the challenges presented in the country. It is problematic, that both Action Plans do not fully take into account the measures to be taken in all human rights directions in order to carry out the obligations under the Convention and leave the number of important directions behind the Plans, which cannot provide with a coherent and effective policy planning for their solution. Namely, the number of directions that stood before the state at the time of the creation of the Plans was left behind. The measures for the implementation of the fundamental issues, such as, the processing of statistics and information with regard to the persons with disabilities, improving mental health care, respect for housing and family, provision of an adequate standard of living and social protection, were not taken into account.

In addition, the challenge is presented regarding the repeating of the existing activities in the next Action Plan, which is related to the non-fulfillment of the above activities in the framework of predefined Plan. Specifically, the Governmental Action Plan for 2014-2015 years included a number of obligations related to the improvement of the rights of persons with disabilities, which are duplicated in the Governmental Action Plan for 2016-2017 years due to non-compliance. Among them is the obligation of the creation and implementation of a social model, the improvement of legislation, the issue regarding the ratification of the Optional Protocol to the Convention that constitute the essential aspects for the implementation of the Convention.

On the other hand, the obligations, which were not fulfilled under the Action Plan for 2014-2015 years were not reflected in the Action Plan for 2016-2017 years. In particular, according to the Governmental report, overall 36 activities were foreseen by the

Governmental Action Plan for 2014-2015 years for improving of the rights of persons with disabilities, out of which 13 activities were fully implemented, while 21 activities were implemented partially. 2 activities have not been implemented at all. A certain part of the obligations that the Government marked as “unfulfilled” was not reflected in the further Action Plans. For example, the Governmental Action Plan for 2014-2015 years prescribed the provision of equal election environment, as well as the promotion of the activities of political and public associations of the persons with disabilities for the equal participation of the persons with disabilities in the political and community life, which have neither been implemented, nor reflected in the new Action Plan. In addition, the fact that the information on the unfulfilled part of the partially implemented activities is not available in the implementation report, it remains problematic as they are not identified and it is difficult to measure the extent of the reflection in the following Action Plan.

The lack of adequate budgetary allocation for the activities prescribed by the abovementioned Action Plans has been qualified as the significant challenge. Namely, the Plans did not provide with the adequate financial resources for the performance of activities and tasks envisaged for improving the rights of the persons with disabilities, which constitutes a major problem in the part of the right of persons with disabilities as the most part of the obligations are related to the allocation of funds from the state budget.

The common problematic issues had been presented with regard to the indicators that did not have measurable and relevant character and were general and vague, which mostly makes it impossible for analyzing of the progress of the implementation. Moreover, in most cases, the Plans do not take into consideration of the qualitative indicators, which excludes the possibility to assess the impact of the activities on the rights of the persons with disabilities.

Taking into account the content of the obligations aiming at improving the state of human rights of the persons with disabilities, it is noteworthy, that the Governmental Action Plan for 2014-2015 years is much wider and has a complex approach to the activities to be taken in each direction, however, at the same time, the broad formulation of the obligations made it unrealistic in terms of their implementation and, as a result, the Plan acquires the nonperforming character. The Plan for 2016-2017 years is more specific, which gives more opportunity of execution, but relatively narrow and limited content presents a significant problem with regard to the document.

The Rights of Children

Partnership for Human Rights (PHR)



Executive Summary

This chapter of the report on monitoring the fulfilment of the action plan of the government on the protection of human rights for 2016-2017 provides an overview of the fulfilment of the goals, objectives and activities determined by the action plan with regard to child rights protection. In order to achieve this aim, this chapter analyses the following: Major challenges related to child rights protection existing by the time the action plan was prepared, the relevance of the goals and objectives determined by the action plan to these challenges, and the volume and degree of the fulfilment of these objectives based on the pre-determined indicators. Based on the results of the fulfilment of the action plan and the existing challenges regarding child rights protection at present, monitoring report on the fulfilment of the child rights related chapter of the action plan constitutes an attempt to highlight those tendencies which existed in the process of preparation and fulfilment of the action plan on the one hand, and to show what problems are faced by child rights protection area in the country, on the other hand.

Based on the results of monitoring the fulfilment of chapter 12 of the action plan of the government on the protection of human rights for 2016-2017, it can be declared that in most cases the action plan in terms of its objectives responds to the major challenges existing with regard to child rights protection in the country. However, objectives determined by the action plan do not often cover all challenges existing regarding child rights protection, which should be solved in a systemic manner. Even in those cases, when the action plan at the objectives level specifies the measure to be carried out for protecting child rights, activities determined for achieving the objective prevents its complete and effective fulfilment. Often the action plan does not address important issues at the activities level, which is directly related to the objective determined by the action plan and without its fulfilment it is impossible to declare that the objective is achieved. In most cases, indicators determined to measure the fulfilment of the activities set forth in the action plan further limits the accomplishment of the activities carried out to achieve a certain objective and actually excludes the possibility of improving child rights protection in a particular direction.

Monitoring of the action plan showed that there is some progress towards improving child protection and assistance, strengthening monitoring and coordination mechanism of child rights, assistance of pre-school education, elimination of violence against children and improvement of child-oriented judicial system. In spite of this,

Evaluation of the action plan demonstrated that certain significant issues related to systemic solution of the problem have not been fulfilled. For example, the

following measures have not been carried out: adoption of the document related to the infrastructure of pre-school education, developing relevant definition for children left outside formal education, development of information system in this regard, and studying the identification and prevention methods of violence, including sexual violence against children, in order to introduce them in future. Often the objective determined by the action plan can be considered as fulfilled but it does not fundamentally solve the problem. Children with disabilities continue living in large residential institutions, conditions of children living and working in the streets have not been substantially improved, and child mortality is still a pressing issue. Measures taken by the state to eradicate child poverty and the subprogram of providing shelter to mothers and children is inefficient and does not enable them to live independently afterwards. Providing quality general education to children with special educational needs, especially in villages and high-mountainous regions as well as identification and response to violence against children and the rehabilitation issue of the victims of violence remain an important challenge.

General Evaluation of the Chapter Related to Child Rights

Chapter 12 of the action plan of the government on the protection of human rights determined the measures to be carried out in order to improve the conditions of child rights in the country which were presented by 6 primary aims of the action plan: Improvement of child protection and assistance system, development of social services through program services, decrease in child mortality rate, quality and inclusive education, eradication of violence against children and the development of child-oriented judicial system.

Although since 1994 the UN Convention on the Rights of the Child is in force, which establishes all important standards with regard to measures to be carried out by the state, protection of child rights is still faced by significant challenges in Georgia.

Obligations determined by the action plan with the aim of protecting child rights do not respond or partially respond to the major challenges existing with regard to child rights in the country. The process of deinstitutionalization, which remains a major challenge in Georgia in the area of child rights and welfare, does not apply to minors living in the so-called shadow children houses. The action plan does not mention state subprogram of reintegration, which also constitutes a significant program in terms of family strengthening and prevention of child abandonment.

Moreover, the action plan says nothing about measures necessary to promote children's right to health, about child labor and extreme forms of labor, while this issue requires creation of the legislative guarantees as well as strengthening the applicability of mechanisms existing in practice. High rate of violence against children in families as well as in caring and educational institutions, is faced in country. Children poverty and poor living level, their right to health and education, which is most problematic for children living and working in the street, is still unsettled.

In certain cases, the action plan of the government recognizes the major challenges existing in terms of child rights protection. However, objectives and relevant activities to be carried out in order to achieve the aim do not ensure the possibility to solve the problem in a systemic manner with regard to a particular issue. Objectives and indicators for their fulfilment determined by the action plan enable the responsible body to carry out one-off activity which can be considered as the achievement of the aim from their side. This issue is further problematic as the non-measurable indicators do not create the possibility of effective evaluation of the progress and the degree of fulfilment. Furthermore, in most cases the necessary budget for accomplishing the objective is not specified. Analysis of the objectives and activities set forth by the action plan demonstrates that they are determined without resting on relevant research with regard to a particular right, which also complicates systemic solution of the issue as well as the evaluation of the efficiency of the work carried out.

Improvement of Child Protection and Assistance System

The aim "improvement of child protection and assistance system" was presented by 4 objectives in the action plan of the government on the protection of human rights. The action plan was focused on the popularization of healthy lifestyle among children and youth (objective 12.1.2), increasing the awareness of the children (objective 12.1.3.), coordination and monitoring system of child rights protection (objective 12.1.4.) and the continuation of the deinstitutionalization process (objective 12.1.1.), which constitutes the most pressing problem with regard to child rights protection in the country.

Continuation of the Process of Deinstitutionalization - status: Partially Fulfilled

Evaluation of the relevance of the objective and activities

Since 2004 child welfare reform has been implemented in Georgia, primary aim of which was the commencement of the deinstitutionalization process. Large residential institutions of children were shut down within the scope of this reform. However, the reform was carried out in such way that it did not apply to those institutions where the children with disabilities are living. Until 2015 there were four large residential institutions in Georgia: Batumi St. Mata boarding school, Ninosminda's St. Nino boarding school for Orphaned, Abandoned and Homeless children, Tbilisi infant house and Kojori house of children with disabilities. Despite the commencement of the deinstitutionalization process, children continued to live in boarding houses of minors existing with the Patriarchate of the Orthodox Church and under Muslim Confession. By 2016 there were 36 large child institutions beyond state regulation where 1146 children were living¹⁷¹. In these institutions the rights of the child were permanently violated in a systemic manner¹⁷². Competence of the foster family in terms of child upbringing and ensuring appropriate conditions for their development constituted a problem in the implementation process of the subprogram of foster care. The Law of Georgia on "Adoption and Foster Care" which set forth conditions for foster care did not include mandatory certification of the foster family¹⁷³.

The action plan partly took into consideration the challenges faced in the process of deinstitutionalization (objective 12.1.1.). in particular, continuation of the deinstitutionalization process was linked to the establishment of two small family-type houses for children with disabilities (activity 12.1.1.1.) and the amendment of the law on "Adoption and Foster Care" (activity 12.1.1.2.). But, action plan didn't apply to problems of children living in boarding houses of minors existing with the Patriarchate of the Orthodox Church and under Muslim Confession.

The state of the fulfilment of the action plan

According to the provided information from the relevant responsible bodies, the monitoring of action plan has showed, that the Parliament of Georgia adopted the law on "Adoption and Foster Care" on 4 May 2017.¹⁷⁴ 16 trainers were re-

171 NGO Partnership for children, Equal treatment to the schools of faith, Final Report, 2016;

172 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2015, pp. 613-617, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, retrieved: 01.02.2018;

173 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2015, pp. 617-622, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, retrieved: 01.02.2018;

174 The Law of Georgia on "Adoption and Foster Care", <https://matsne.gov.ge/ka/document/view/3665080>, retrieved: 31.01.2018;

trained, who will conduct trainings for adopting candidates.¹⁷⁵ In 2016 one small family-type house was set up in Kutaisi, where 7 children were transferred from Tbilisi infant house. 25 children from the same institution were involved in the subprogram of foster care.¹⁷⁶

Summary

During 2016-2017 the continuation of the deinstitutionalization process with the aim of improving child protection and assistance system was partially fulfilled. Another small family-type house foreseen by the action plan was not set up by the end of 2017.

The action plan partly reflected the main challenges which existed in the country in terms of deinstitutionalization. However, children with disabilities still continue to live in Kojori and Tbilisi infant houses and in this field, the measures taken by the state can't be considered as efficient.

The law of Georgia on "Adoption and Foster Care" adopted in 2017 constitutes an important step forward in terms of the continuation of the deinstitutionalization process and upbringing of children in family environment. However, serious challenges still remain during implementation of the subprogram of foster care. In many cases, active and regular contact of children with their biological families is problematic in terms of supporting their future reintegration. Identification of children who are victims of violence, and protection of their right to health and education constitutes a challenge. In many cases, social workers do not have active contact with foster families and children¹⁷⁷.

Popularization of Healthy Lifestyle among Children and Youth- Partially Fulfilled

Evaluation of the relevance of the objective and activities

Before preparing the action plan the bodies responsible for the popularization of healthy lifestyle among children and youth had not carried out relevant needs assessment, which would precisely determine what types of programs were necessary to be created in the country, and would respond to those challenges which were the most pressing by given time which would make it possible to provide evidence-based evaluation of the relevance of the objective and activities.

175 Report on the fulfillment of Government Action Plan for Human Rights for 2016-2017p. 2018;

176 The letter of the Ministry of Labor, Health and Social Affairs, 3 October 2017, № 01/62016;

177 Special Report of the Public Defender of Georgia on "Monitoring of State Subprogram of Foster Care", 2016, <http://www.ombudsman.ge/uploads/other/3/3823.pdf>, retrieved: 28.02.2018;

The state of the fulfilment of the action plan

According to the action plan, fulfilment of the objective “popularization of healthy lifestyle among children and youth” (12.1.2.) was linked to the implementation of relevant projects in this direction (activity 12.1.2.1.). The indicator for its fulfilment was presented in the following way: “Implemented projects and the number of children involved in them”. Such general wording of the indicator actually prevents the evaluation of the progress in fulfilling the objective¹⁷⁸.

Summary

Based on the analysis of the work carried out within the program, it is impossible to determine what strategy is used for selecting target groups, regions and content of the program. The programs are not continuous and mostly have a one-off character. For example, only one program from the projects implemented in 2016 was carried out in 2017. Moreover, in 2016 5 programs were implemented directed at the popularization of healthy lifestyle among youth, while only 2 such programs were carried out in 2017.

Informing Children about Rights and Freedoms - Partially Fulfilled

Evaluation of the relevance of the objective and activities

The right of the child to be informed about rights and all actual issues, which will help them to effectively realize their rights constitutes one of the major principles of child rights protection and is recognized by the Convention on the Rights of the Child. Therefore, increasing the awareness of children about their rights constitutes an important issue and should be reflected in all policy documents related to child rights. In order to increase legal culture, the plan linked fulfilment of objective (12.1.3.) “Informing Children about Rights and Freedoms” to implementation of meetings and other activities (12.1.3.1). However, this issue was reflected in the action plan without carrying out actual needs assessment, which would reveal primary challenges and subject matters existing in terms of children’s awareness.

The state of the fulfilment of the action plan

During the implementation of the action plan, the Ministry of Education and Science of Georgia prepared recommendations for parents within the subprogram

178 Since 2013 “Program of Developing Healthy Lifestyle and Involving Youth in Cultural-Creative Activities” is functioning at the Ministry of Sport and Youth Affairs of Georgia. In 2016 5 programs were carried out within this program: Student days 2016, Georgian cup in hiking, places for holding regional competitions, student camp, alpinist camp – expedition to Chaokhi, program of developing volunteering – “Volunteer of Georgia”. In 2017 two programs were carried out. The letter of the Ministry of Sport and Youth Affairs of Georgia, 2 October 2017, № 06/2717; The six-month football training was held within the framework of “Support of abandoned young people and young people with disabilities” - Report on the fulfillment of Government Action Plan for Human Rights for 2016-2017p. 219;

“Education and Involvement of Parents”, which was placed on electronic handbook for parents in a pilot regime.¹⁷⁹

In order to increase legal culture, lessons within the program “Origins of Legal Culture” were introduced in 30 public schools in 2016-2017, and the project “10 Security Lessons” was implemented in 42 public schools in 2016, and in 2017, in 54 public schools. Around 10000 children have been trained regarding increasing legal culture in 2016-2017.¹⁸⁰

Summary

This objective has been partially fulfilled. Recommendations prepared by the Ministry of Education and Science of Georgia within the subprogram “Education and Involvement of Parents” cannot be considered as a complete fulfillment of the activity determined by the action plan as the target group of the objective are children themselves. Although it is important to inform parents together with children, this was not the objective set forth in the action plan. Moreover, a complete handbook which would cover pressing issues related to child rights in Georgia, including reproductive health, early marriage etc. has not been prepared. Instead, recommendations were prepared which were placed on electronic portal for parents.

As the indicator for activities carried out with the aim of increasing legal culture did not include the reference to the exact number of children, it can be declared that this activity has been fulfilled. However, the second aspect for this activity, which included meetings with non-governmental organizations and their joint activities, has not been fulfilled.

Strengthening the Monitoring and Coordination Mechanism of Child Rights- Partially Fulfilled

Evaluation of the relevance of the objective and activities

Creation of unified and coordinated mechanism for child rights protection is a necessary precondition for ensuring systemic response to the violation of child rights and effective restoration by the different agencies working on child rights in the country. Before preparing the action plan, ratification of the third optional protocol to the Convention on the Rights of the Child was an important issue in terms of strengthening coordination mechanism of child rights.¹⁸¹ The issue of implementation of the requirements of the 1980 Hague Convention on “Civil Aspects

179 The letter of the Ministry of Education and Science of Georgia, 28 September 2017. № MES 01701171300;

180 The letter of the Ministry of Internal Affairs, 16 November 2017. № MIA 61702771213;

181 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2015, pp. 611, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, retrieved: 01.02.2018;

of International Child Abduction” in domestic legal framework and strengthening cooperation with those countries which have recognized Georgia’s accession to this convention constituted a problem.¹⁸²

The state of the fulfilment of the action plan

In the action plan of the government on the protection of human rights for 2016-2017, the issue of strengthening the monitoring and coordination mechanism of child rights has been determined as a separate objective and has been linked to the ratification of those conventions/additional protocols which constitute important instruments for creating legal guarantees for child rights protection (Activity 12.1.4.1., Activity 12.1.4.2., Activity 12.1.4.3.). Moreover, strengthening the child rights center of the office of the Ombudsman has been mentioned separately which plays an important role in monitoring child rights protection (Activity 12.1.4.4.). The action plan actually reflected those challenges which existed before its preparation.

According to the provided information regarding the activities carried out within the scope of the action plan, the Parliament of Georgia ratified the Optional Protocol on the Communication Procedure to the Convention on the Rights of the Child.¹⁸³

The project of the referral and enforcement procedures for the return of the unlawfully displaced or unlawfully detained children and the right to communicate with a child was developed, the international and local expertise of the given mechanism was concluded. Bilateral relations were established with two States under the Article 38 of the 1980 Hague Convention on “Civil Aspects of International Child Abduction”. Negotiations with the United States Consulate Representation on the recognition of Georgia’s accession to the 1980 Hague Convention in Georgia continued.¹⁸⁴

Summary

When evaluating the accomplishment of this objective, it should be declared that it was partly fulfilled. In many cases in terms of coordination and monitoring of child rights protection, certain activities have been carried out, which had not been planned before, but will play an important role in this regard in future. For example, in 2016 Interagency Commission working on the implementation of the UN Convention on the Rights of the Child as well as the

182 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2015, pp. 641, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, retrieved: 01.02.2018;

183 The Optional Protocol on the Communication Procedure to the Convention on the Rights of the Child, ratified by the Parliament of Georgia by decree № 5581-II on 24 June 2016, in force since 19 December 2016 in Georgia, <https://matsne.gov.ge/ka/document/view/3321299>, retrieved: 31.01.2018;

184 Report on the fulfillment of Government Action Plan for Human Rights for 2016-2017, p. 221;

issues related to child rights was established, which is presided by the Minister of Foreign Affairs.¹⁸⁵

Unfortunately, the government has not carried out the rest of the activities determined by the action plan of the government on the protection of human rights with the aim of strengthening the coordination and monitoring mechanism of child rights.¹⁸⁶

Development of Social Services through Improvement of Program Services - Partially Fulfilled

Evaluation of the relevance of the objective and activities

By the time the action plan was prepared, the pressing issue in the country was the protection of the rights of the children living and working in the street, especially their protection from violence and neglect, ensuring their right to education and health, identification and arrangement of their personal documentation, the response of mobile groups and the police to the issue of children living and working in the streets. Qualification of the representatives of the responsible agencies working on the issue of the children living and working in the streets was problematic.¹⁸⁷

Child poverty and poor living conditions constituted an important challenge.¹⁸⁸ Significant part of minors lived in poverty and improper social environment. The process of involvement in certain targeted social assistance program was delayed. The subprogram “aid to the families with children in crisis” is noteworthy, where in 60% of the proceedings the population has not received written information about consent or denial regarding involvement in the program. The population was not informed about social assistance subprograms within the scope of state and local self-government.¹⁸⁹

By the time the action plan was prepared, effective implementation of the subprogram of providing shelter to mothers and children constituted a challenge. The sub-

185 The letter of the Ministry of Foreign Affairs, 4 October 2017, № 01/36066. Decree № 550 of the Government of Georgia adopted on 13 December 2016. <https://matsne.gov.ge/ka/document/view/3465268>, retrieved: 31.01.2018;

186 In particular, activities with the aim of implementing the 1980 Hague Convention on “Civil Aspects of International Child Abduction” have not been carried out. Enforcement and referral mechanisms with regard to the cases of international abduction/detention have not been adopted, and strengthening cooperation with countries which have not recognized the accession of Georgia to the Hague Convention on “Civil Aspects of International Child Abduction” has not been carried out. Therefore, the issues determined by the 2016-2017 action plan related to strengthening monitoring and coordination mechanism should be reflected in the future action plan.

187 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2015, pp. 647-649, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, retrieved: 01.02.2018;

188 Welfare of Children and their Families in Georgia, Research on the Welfare of Georgian Population, 4th phase, 2015, <http://unicef.ge/uploads/WMS-2015-GEO.pdf>, retrieved: 05.02.2018;

189 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2015, pp. 646-647, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, retrieved: 01.02.2018;

program did not respond to the aim of facilitating employment and professional development of mothers, which would enable them to live independently after leaving the shelter. Often parents did not have enough skills to take care of the child, and the number of babysitters working in the shelter was not sufficient.¹⁹⁰

In terms of protecting the rights of the children living in small family-like houses the following issues were problematic: their right to education and health, preparation for independent life, violence against children and appropriate response to it, rehabilitation of the children victims of violence, arrangement of documentation, inclusive services. Children with psychiatric diagnosis were not provided with relevant rehabilitation services, individual approach of services, and emotional and social development of children was not appropriately ensured.¹⁹¹

The plan mostly took into consideration the shortcomings related in the process of the children social programs and reflected almost all the challenges, revealed in the process of the children social programs. In particular, According to the action plan of the government on the protection of human rights for 2016-2017, the aim “development of social services through improvement of program services” should have been achieved by the objective – “refining program services for children” (12.2.1.), which included 6 primary activities: Improvement of relevant services for children living and working in the street (activity 12.2.1.1.), improvement of the database regarding child services existing in the country (activity 12.2.1.2.), satisfying the primary needs of families with children in crisis (activity 12.1.2.3.), providing shelter to mothers and children (activity 12.1.2.4.), improvement of small family-like services, including for children with disabilities (activity 12.1.2.5.), improvement of foster care service and establishment of new standards (activity 12.1.2.6.).

The state of the fulfilment of the action plan

The number of children who get different services was the indicator for activity(12.2.1.1.) “improvement of relevant services for children living and working in the street”. According to the provided information, up to 100 children have been involved in general education system since 2016. ¹⁹²The subprogram of providing shelter to homeless children is also functioning for children living and working in the street. This subprogram is approved annually within the scope of “the state program on social rehabilitation and child care”. By the time the action plan was prepared, 158 children were involved in this program, 162 in 2016, as for 2017 – the number of the beneficiaries of the program is 1270.¹⁹³

190 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2015, pp. 649-651, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, retrieved: 01.02.2018;

191 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2015, pp. 659-684, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, retrieved: 01.02.2018;

192 The letter of the Ministry of Education and Science of Georgia, 28 September 2017, № MES 01701171300;

193 Official web page of the Ministry of Labor, Health and Social Affairs, statistical data, http://ssa.gov.ge/index.php?lang_id=GEO&sec_id=610, retrieved: 01.02.2018;

In order to improve the database regarding child services existing in the country (activity 12.2.1.2.), the action plan determined the creation of the consistently renewable database of children receiving services determined by state programs. According to this indicator, this activity can be considered as more or less fulfilled. The database on the official web page of the LEPL Social Services Agency of the Ministry of Labor, Health and Social Affairs of Georgia is consistently updated which includes the data about children who receive different social financial and non-financial benefits from the state.¹⁹⁴

According to the action plan, the number of families who receive necessary aid from the state is the indicator for the activity 12.2.1.3. "satisfying the primary needs of the families with children in crisis". Within the scope of the subprogram "urgent state aid to the families with children in crisis" of the state program "social protection and child care" 1145 families with children received necessary aid in 2016, and in 2017 - 987 families with children.¹⁹⁵

According to the action plan, the number of mothers and children who receive relevant aid is the indicator for the activity (12.2.1.4.) "providing shelter to mothers and children". Within the scope of the subprogram "providing shelter to mothers and children" of the state program "social protection and child care" 5 shelters are functioning. Khashuri has been added to the services in regions. Within the scope of the subprogram services were provided to 62 mothers and 82 children in 2016 and 52 mothers and 72 children in 2017.¹⁹⁶

Improvement of small family-like services, including for children with disabilities (activity 12.2.1.5.) constituted one of the activities within the scope of the objective of program services. Providing adequate services to children was determined as the indicator of the activity, acceptance, for ensuring which, the relevant agency of the Ministry of Labor, Health and Social Affairs of Georgia carried out monitoring of 10 small family-like houses in 2016 and 2017.¹⁹⁷

According to the action plan, preparation of the new standard of foster care is the indicator for activity (12.2.1.6.) "improvement of foster care service and establishment of new standards". The Standard of foster care was adopted by the order of the Minister of Labor, Health and Social Affairs on 7 November 2017.¹⁹⁸

194 Official web page of the Ministry of Labor, Health and Social Affairs, statistical data, http://ssa.gov.ge/index.php?lang_id=GEO&sec_id=610, retrieved: 01.02.2018;

195 The letter of the Ministry of Labor, Health and Social Affairs, 3 October 2017, № 01/62016;

196 The letter of the Ministry of Labor, Health and Social Affairs, 3 October 2017, № 01/62016;

197 Report on the fulfillment of Government Action Plan for Human Rights for 2016-2017, p.224

198 Order № 01-238 on "Approving the Standards of Foster Care Services" adopted by the Minister of Labor, Health and Social Affairs on 7 November 2017. http://www.moh.gov.ge/uploads/files/2017/socialuri_dacva/failebi/267.pdf, retrieved: 02.02.2018;

Summary

Major challenges in terms of development of children social services have been reflected in the action plan of the government on the protection of human rights for 2016-2017. However, it should be mentioned regarding all the activities of the objective that they partially responded to the major problems existing in the implementation process of social programs provided to children and were not oriented towards improving the degree of specific services. Without resting on the needs assessment, it is impossible to measure the efficiency of the program on providing aid to the families with children in crisis, because it is impossible to consider accomplishment of the program aim only in terms of the number of families benefiting from the program. It cannot be established in reality how many families live in severe social conditions and need immediate assistance from the state. At the same time, removal of minors from their biological families still happen due to their severe social-economic conditions.¹⁹⁹ The problems related to the involvement of the families with children in crisis in the sub program are still actual. The number of the families benefiting from the subprogram is much less than the number of the children receiving subsistence aid and the families receiving additional allowance.

Difficulties related to the independent life of mothers after leaving the subprogram of providing shelter to mothers and children are still actual. In most cases, they are not ready for independent life and face the problems existing before they entered the shelter.²⁰⁰

Inefficiency of the activities carried out with regard to protecting the rights of the child living and working in the street is confirmed by those challenges which are still pressing today and have not changed after the implementation of the action plan. The right to education, access to health services and integration in the society of the children living and working in the street is still problematic. Precise statistical data still do not exist which complicates taking the measures based on the needs. Geographical accessibility of the shelters is a challenge. There is no response to the involvement of children in antisocial activity and forced labor. There is no response to reporting on hotline (1505) about children living and working in the street. Qualification of persons responsible for responding to the violence against children living and working in the street is still problematic.²⁰¹

199 According to the data available at the end of 2016, 169 503 children were registered in the “unified database of socially vulnerable families”; recipients of the additional allowance of 10 GEL were 62 522 families, which illustrates particular severity of social-economic conditions of the families.

200 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2016, pp. 560-563, <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, retrieved: 28.01.2018;

201 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2016, pp. 594-597, <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, retrieved: 28.01.2018;

Protection of the rights of the child in small family-type houses is a challenge and in fact repeats the same problems which existed in terms of the children being under state care before preparing the action plan.²⁰²

Decrease in Child Mortality Rate - Partially Fulfilled

Evaluation of the relevance of the objective and activities

Child mortality constituted one of the major problems in terms of child rights in Georgia by the time the action plan was prepared. Reasons of infant mortality were the shortcomings related to the geographical accessibility of medical service, provision of quality and prompt service, proper functioning of the antenatal services, equipment of intranatal assistance establishments with proper medical inventory and infrastructure, qualification of medical personnel of the relevant profile.²⁰³

The state of the fulfilment of the action plan

Decrease in child mortality rate was one of the major aims of the action plan of the government on the protection of human rights for 2016-2017. Primary objective for reaching this aim was decrease mortality rate among mothers and children through improvement of perinatal services (activity 12.3.1.), which should be achieved by fulfilling these 6 activities:

Activity(12.3.1.1.) “new electronic system for supervising antenatal and obstetrical services “electronic module for overseeing the health of pregnant women and infants” was fulfilled. In particular, electronic module started functioning on 1 January 2016.²⁰⁴

The number of regions, where perinatal care regionalization principles are established, is the indicator of the activity (12.3.1.2.) „dividing maternity hospitals into levels and establishment of new referral mechanism for mothers and infants between these levels“. From 1 May 2015 referral scheme determined by the Order №01-2 of the Ministry of Labor, Health and Social Affairs (15.01.2015) on “Establishing the Levels of Perinatal Service Regionalization and Criteria for Patient Referral” started functioning in Imereti and Racha-Lechkhumi-Lower Svaneti perinatal regions. Due to the success of the pilot, the project spread across the country. Evaluation of the perinatal clinics has been carried out across the country, except for Samtskhe-Javakheti and Kakheti.²⁰⁵

202 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2016, pp. 592-594, <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, retrieved: 28.01.2018;

203 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2015, pp. 647-649, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, retrieved: 01.02.2018;

204 The letter of the Ministry of Labor, Health and Social Affairs, 3 October 2017, № 01/61915; The letter of the Public Service Development Agency, 28 September 2017, № 01/260632;

205 The letter of the Ministry of Labor, Health and Social Affairs, 3 October 2017, № 01/61915;

The number of districts where home overseeing of mothers and children was implemented was the indicator of the activity(12.3.1.3.),„reinforcing outpatient services for children from 0 to 3 years in rural areas through introducing home visits“. Concept note on overseeing outpatient supervision for children from 0 to 3 years was prepared. Questionnaire and curricular for training household nurses were prepared. Online training of nurses was completed in Imereti, Racha-Lechkhumi and Adjara Region. Trained nurses were provided with tablet computers by the UN Population Fund in Adjara region.²⁰⁶

Preparation of the amendments to the law on “Prevention of Diseases Caused By Iodine, Other Microelements and Vitamin Deficiency” in order to make flour fortification mandatory was the indicator for the fulfilment of the activity(12.3.1.4.)“-improving nutritional status of women and children by fortifying first quality flour with iron and folic acid supplements“. Based on the given indicator this activity has not been fulfilled.²⁰⁷ According to the information provided by the Ministry of Labor, Health and Social Affairs, in case of necessity at the end of 2017 the draft amendments to the Law on “Prevention of Diseases Caused By Iodine, Other Microelements and Vitamin Deficiency” would be prepared.

Development of the national program for supplements comprising multi-component micronutrient for children of 6-24 months was the indicator for the fulfilment of the activity (12.3.1.5.),„increasing access to products fortified by various microelements for children from 6 to 24 months“. Since May 2016 the supplements comprising microelements are provided to children of 3-23 months in those families which are registered in the “unified database of vulnerable families” for whom the maximum score for getting subsistence aid does not exceed or is equal to 100 000.²⁰⁸

Preparation of the draft amendments to the Law on “Promotion of Breast-Feeding and Regulation of Artificial Feeding” and to the respective subordinate normative acts was the indicator for fulfilling the activity (12.3.1.6.) “promotion of breast-feeding and regulation of artificial feeding“. Based on this indicator this activity has not been fulfilled. According to the provided information, work on draft amendments to the Law on “Promotion of Breast-Feeding and Regulation of Artificial Feeding” and to the respective subordinate normative acts is still pending.

Summary

According to the information provided by the responsible agencies, activities determined by the action plan in terms of decreasing child mortality rate has par-

206 The letter of the Ministry of Labor, Health and Social Affairs, 3 October 2017, № 01/61915;

207 The letter of the Ministry of Labor, Health and Social Affairs, 3 October 2017, № 01/61915;

208 The letter of the Ministry of Labor, Health and Social Affairs, 3 October 2017, № 01/61915;

tially been fulfilled. Child mortality still remains a pressing problem in the country. Although compared with the official data of 2015, child mortality rate has slightly decreased, it still exceeds the rate in developed countries. Development of the preventive measures against child mortality is problematic. The problems existing in the country according to the report of the Ombudsman in terms of child mortality rate before developing the action plan is still actual.²⁰⁹

Quality and Inclusive Education for All Children - Partially Fulfilled

In order to ensure quality and inclusive education for all children the action plan of the government on the protection of human rights determined the following objectives: promotion access to quality pre-school education (12.4.1.), improvement of legislative framework and children support system in order to ensure inclusion of children left outside formal education into the general education system (12.4.2.), setting up system for searching children with special educational needs(12.4.3.),offering educational program based on special individual needs to vulnerable groups in order to ensure their inclusion in the formal education system(12.4.4.), teacher professional development for the implementation of activities oriented towards the protection of child rights in schools (12.4.5.), ensuring continuous education and teaching of subjects determined by the National Curriculum to the accused/convicted juveniles and access to informal education(12.4.6.)and promotion of informal education (12.4.7.).

Evaluation of the relevance of the objective and activities

Realization of the right to education is one of the major challenges in terms of the protection of child rights in Georgia. By the time the action plan was prepared the major problems were related to the access to general education, creation of safe and appropriate physical-infrastructurel environment in the general educational institutions, introduction and development of the universal inclusive education and implementation of pre-school education. Problems regarding the introduction of the inclusive education in regions of Georgia should be particularly stressed, which was related to the qualification of teachers and insufficient number of special education teachers.²¹⁰The action plan mostly took into consideration those main problems, that were existed in the field of quality and inclusive education. In particular, the plan includes the activities, for promotion of pre-school education, teacher professional re-training, special educational needs and access to education of the children belonging to vulnerable group.

209 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2016, pp. 554-557, <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, retrieved: 28.01.2018;

210 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2015, pp. 651-654, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, retrieved: 01.02.2018;

The state of the fulfilment of the action plan

In order to promote quality pre-school education (objective 12.4.1.) based on the Law of Georgia on “Early and Pre-School Education” the following documents were adopted in 2017: professional standards of the caregiver-pedagogue²¹¹, standard of the early and preschool care and education²¹², technical regulation – sanitary and hygienic norms in the early and preschool care and educational institutions²¹³, technical regulation regarding catering and nutritional value of food ration in the early and preschool care and educational institutions²¹⁴. However, technical regulation for the arrangement of buildings and structures, infrastructure, and the material-technical base of the early and preschool care and educational institutions as determined by the action plan has not been developed and adopted.²¹⁵

In order to ensure the inclusion of children left outside formal education into the general education system (objective 12.4.2.) the following activities should have been carried out within the scope of the action plan: development of the relevant definition of children left outside formal education, preparation and initiation of the package of the relevant legislative amendments, processing the data regarding children left outside education system in the database of the education management information system.

According to the information provided by the agencies responsible for fulfilling this activity, the primary aim of the objective, in particular development of the definition of children left outside formal education and preparation of legislative amendments, has not been achieved. (activity 12.4.2.1.). Within the scope of the action plan only the working document has been prepared with the aim of determining the institutional responsibility for obtaining information about children left outside formal education and their reflection.²¹⁶ According to the provided information, 21 children were included in the formal education in 2016 and two children – in 2017 within the scope of the subprogram of providing shelter to homeless children, although this activity was not determined by the action plan.²¹⁷ In order to develop the information system about children left outside for-

211 Decree № 478 of the Government of Georgia on “Approving the Professional Standard of Caregiver-Pedagogue” adopted on 27 October 2017, <https://matsne.gov.ge/ka/document/view/3837404>, retrieved: 02.02.2018;

212 Decree № 488 of the Government of Georgia on “Approving the State Standards of Early and Preschool Care and Education” adopted on 30 October 2017, <https://matsne.gov.ge/ka/document/view/3838798>, retrieved: 02.02.2018;

213 Decree № 485 of the Government of Georgia on “Technical Regulation – Approving Sanitary and Hygienic Norms in the Early and Preschool Care and Educational Institutions” adopted on 27 October 2017. <https://matsne.gov.ge/ka/document/view/3837694>, retrieved: 02.02.2018;

214 Decree № 487 of the Government of Georgia on “Technical Regulation – Approving the Norms of Catering and Nutritional Value of Food Ration in the Early and Preschool Care and Educational Institutions” adopted on 30 October 2017. <https://matsne.gov.ge/ka/document/view/3838370>, retrieved: 02.02.2018;

215 The letter of the Ministry of Economy and Sustainable Development, 2 October 2017, № 08/6286;

216 The letter of the Ministry of Education and Science of Georgia, 28 September 2017, № MES 01701171300;

217 The letter of the Ministry of Labor, Health and Social Affairs, 3 October 2017, № 01/61915;

mal education (activity 12.4.2.2.), which would enable the identification of children left or being under the risk to be left outside formal education, within the scope of the action plan the databases of the national agency of the civil registry and education management information system has been compared in terms of children born in 2008-2009. As a result, children of school age left outside formal education have been identified. Moreover, within the scope of the electronic registration of the 1st grade children for 2016-2017 year, children born in 2009-2010 left outside formal education have been identified.²¹⁸

The 2016-2017 government action plan on the protection of human rights determined that in order to find children with special educational needs (objective 12.4.3.) the system for searching children and relevant guideline should have been developed (activity 12.4.3.1.). According to the information provided by the agency responsible for fulfilling this activity, in 2016-2017 work was being carried out in the education management information system with the aim of identifying children with special educational needs and with disabilities.²¹⁹

The action plan determined that educational program based on special individual needs should be offered to vulnerable groups in order to ensure their inclusion in the formal education system(objective 12.4.4.). According to the action plan, the vulnerable group included children living and working in the street, socially vulnerable children and the representatives of ethnic minorities. The indicator for achieving this objective was the number of children involved in the educational programs and formal education (activity 12.4.4.1.). According to the information provided by the Ministry of Education and Science of Georgia – responsible agency for carrying out this activity, concrete number of children who have been involved in formal education and/or educational programs has not been defined. However, based on the information provided by the Ministry of Labor, Health and Social Affairs within the scope of another activity, 21 children were included in the formal education in 2016 and two children – in 2017 within the scope of the subprogram of providing shelter to homeless children.²²⁰ Working document on ensuring accessible and continuous education for adolescents and youth left outside formal education was created in 2016-2017, although it was not determined as the direct goal of the action plan. With the support of the United Nation's Children's Fund several working meetings were held in this regard. The issue

218 Taking into consideration the recommendations prepared by UNICEF, information about abandoning school by the student is reflected in the database of the management system (School). Moreover, general educational institutions have been revealed, where the first phase of establishing electronic register will be carried out. This will enable the identification of students who are under the risk of being left outside the school. Establishment of electronic register will be carried out gradually, in parallel with arrangement of ICT infrastructure in general educational institutions.

The letter of the Ministry of Education and Science of Georgia, 28 September 2017, № MES 01701171300;

219 The letter of the Ministry of Education and Science of Georgia, 28 September 2017, № MES 01701171300;

220 The letter of the Ministry of Labor, Health and Social Affairs, 3 October 2017, № 01/61915;

of “identification of educational needs of children belonging to vulnerable group, strategies for communication and cooperation with them” is under consideration, which implies the training of teacher sand informational campaign for parents.²²¹

The action plan determined the creation of training-modules and materials (activity 12.4.5.1.) with regard to teacher professional development in terms of the protection of child rights (objective 12.4.5.) The major topic of the trainings should be the following: „Child rights in school” and “bullying”. The indicator of this activity was the number of teachers and school principals in Tbilisi and regions. According to the provided information, in 2016 LEPL Teacher Professional Development Center of the Ministry of Education and Science of Georgia created the training module: „Prevention of bullying in schools and the promotion of the development of tolerance culture.”²²²

The action plan determined the activities which should be carried out in terms of ensuring education to the accused/convicted juveniles(objective 12.4.6.). The objective should be measured by the number of children involved in the program (activity 12.4.6.1.). In order to promote education of the accused/convicted juveniles, rules on regulating learning process in the penitentiary institutions was adopted within the scope of the action plan.²²³ In 2016-2017 93 children were involved in the program on promoting education of the accused/convicted juveniles.²²⁴ In 2016 10-day special course/training was held for teachers working in the penitentiary institutions on these major topics: deviant behavior of the adolescents, communication and body language, subjective reality, stereotypes, stress and psychological trauma, etc.²²⁵ Another indicator for achieving this objective was the number of the accused/convicted juveniles, who completed the program externally, took part in school-leaving and unified national examinations. According to the provided information, 5 juveniles completed the program externally, 6 juveniles took part in school-leaving examinations, two juveniles passed the unified national examinations.²²⁶

221 The letter of the Ministry of Education and Science of Georgia, 28 September 2017, № MES 01701171300;

222 282 civic education teachers attended the training. Moreover, the issues of conflict and bullying were discussed within the scope of the second module “Efficient School Principal from Theory to Practice” of Leadership Academy 1 within the project of professional development of teachers and school principals. Training-module includes 16 contact hours. On the second day 8 hours are dedicated to the issue of conflict and bullying. Up to 1700 School Principals participated in this training in 2016.

The letter of the Ministry of Education and Science of Georgia, 28 September 2017. № MES 01701171300;

223 Joint order №110/N/124 of the Minister of Corrections and the Minister of the Education and Science of Georgia on “Approving the Rule on Getting General Education by the Accused/Convicted Juveniles and Regulation of Learning Process in Penitentiary Institutions of the Ministry of Corrections” adopted on 1 September 2016, <https://matsne.gov.ge/ka/document/view/3356743>, retrieved: 03.02.2018;

224 The letter of the Ministry of Corrections, 9 October 2017, № MOC 41700789658;

225 The letter of the Ministry of Education and Science of Georgia, 28 September 2017, № MES 01701171300;

226 The letter of the Ministry of Corrections, 9 October 2017, № MOC 41700789658;

In order to promote informal education (objective 12.4.7.), the action plan determined the following activities: Ensuring access to extracurricular arts education (activity 12.4.7.1.) and developing informal education programs according to age groups and ensuring participation (activity 12.4.7.2.), creating a new legal framework with the aim of implementing youth policy (activity 12.4.7.3.), Creating a state unified program for informal education (activity 12.4.7.4.) and developing programs promoting civic education and independent life for children including children with disabilities (activity 12.4.7.5.).

The action planned linked the fulfillment of ensuring access to extracurricular arts education to the number of implemented programs. According to the provided information, access to extracurricular arts education is ensured by means of 8 extracurricular arts educational institutions established in the form of LEPL, where more than 3000 students are studying.²²⁷

The number of the implemented programs and involved minors was the indicator for fulfillment of the activity “developing informal education programs according to age groups and ensuring participation”. According to the provided information, within the scope of this activity programs are implemented under the mandate of the Georgian National Museum and 12 types of programs are carried out which take into account the needs of age groups. Moreover, programs are implemented outside the museums through visits of the museum staff to schools and district centers. Separate programs are carried out for the youth in severe social-economic conditions and children belonging to national minority.²²⁸

Within the scope of the action plan new legal framework should have been created in order to implement the youth policy. However, according to the provided information, this activity has not been fulfilled yet and the working document of the draft law on “Supporting the Youth Activities” is being processed.²²⁹

In order to fulfil the objective “promotion of informal education”, one of the activities determined by the action plan was the creation of a state unified program for informal education, which should be measured by the number of the imple-

227 Within the scope of the action plan 67 concerts, 8 masterclasses and 5 exhibitions were organized in these educational institutions. Students took part in 27 public events and 5 performances. 9 national and regional contest-festivals were held. Participation of the students of extracurricular arts educational institutions in international contests (4 contests) were facilitated;

The letter of the Ministry of Culture and Monument Protection of Georgia, 19 September 2017, № 13/13-3882;

228 According to the data of 2016, more than 2000 adolescents visited the National Museum and took part in special programs, including up to 500 persons with disabilities. In addition to that, 9 different programs were implemented within the scope of this activity, which provided service to 5589 children. Performances for children held in Nodar Dumbadze Professional Theatre (provided service to 71213 adolescents) and Giorgi Mikeladze State Puppet Theater of Tbilisi (provided service to 25000 adolescents) should be mentioned separately;

The letter of the Ministry of Culture and Monument Protection, 19 September 2017, № 13/13-3882;

229 The letter of the Ministry of Sport and Youth Affairs, 2 October 2017, № 06/2709;

mented programs and the children involved in them. According to the provided information, within the scope of the action plan⁴ projects were implemented. Moreover, LEPL “Children and Youth Development Fund” selected and financed 39 projects presented by the local non-governmental organizations.²³⁰

Based on the provided information, activity “developing programs promoting civic education and independent life for children including children with disabilities”, which should have been measured by the development and implementation of the curricular regarding promotion of independent life, has not been fulfilled.²³¹

Summary

Existing challenges related to the right to education of the child were more or less reflected in the action plan of the government on the protection of human rights for 2016-2017. However, the problems with regard to safe and proper physical-infrastructure environment in the general educational institutions has not been foreseen by means of carrying out respective activities. Analysis of the implementation of the activities determined by the action plan demonstrates that in most cases the goals were partially achieved. Furthermore, evaluation of the activities carried out with the aim of promoting informal education based only on the number of children benefiting from different programs cannot be considered as efficient measures taken by the state in this regard, as these programs have a one-off character and do not rest on the strategic vision on developing informal education. This problem is also reflected in the report of the Public Defender, according to which the camps and the process of Olympiads are not controlled. Moreover, accreditation and approval procedures are not determined by the legislation, and their monitoring is not carried out.

Despite of the activities carried out in terms of developing pre-school education, security and protection of children from violence are still problematic in private pre-school institutions. Caregiver-pedagogues are not systematically trained in pre-school care institutions, and the proper infrastructure in the institutions and necessary inventory for children’s development are problematic. In terms of general education, identification of violence against children in private schools and the response of the Ministry of Education and Science of Georgia to them is also problematic. School infrastructure, equal access to education in villages and high-mountainous regions is also a significant issue. The number of children left outside education system is still alarming, which is essentially stemmed from severe social-economic conditions and early marriage. The situation is further ag-

230 148 children were involved in the project “Developing Volunteering – Volunteer of Georgia” and up to 10 000 children were involved in the camp projects. Information about the number of children involved in the rest of the projects were not provided by the relevant agencies;

The letter of the Ministry of Sport and Youth Affairs of Georgia, 2 October 2017, № 06/2709;

231 The letter of the Ministry of Education and Science of Georgia, 28 September 2017, № MES 01701171300;

gravated by the fact that the persons employed at the general educational institutions do not have information about the forms of violence against the child.

Elimination of Violence against Children- Partially Fulfilled

For the purposes of eliminating violence against children the following objectives were determined by the action plan of the government on the protection of human rights for 2016-2017: research in best practices of identifying and preventing child abuse, assessment of existing mechanisms and adoption of new ones (12.5.1.), further improvement of the child protection referral system (12.5.2.), education of professional groups on the protection of children's rights (12.5.3.) and training of professionals participating in the children's protection referral procedures in bio-psycho-social and legal aspects of violence against children (12.5.4.).

Evaluation of the relevance of the objective and activities

Before elaboration of the action plan the main problem with regard to the violence against children was severity of identifying the fact of violence against children, the necessity to introduce the protection and rehabilitation system of the juvenile victims of violence in practice, the lack of professional psychologists working in the social service sphere and insufficient cooperation among the relevant institutions. The main challenge was also the identification of bullying cases in schools and the problems related to the rehabilitation of the victims of bullying or the juveniles allegedly committing bullying. In regard to the actions directed against the sexual freedom and autonomy of children, problems were revealed related to the active implementation of the response system of the responsible individuals, timely and effective investigation, identification of the responsible persons, launching of the relevant criminal proceedings and problems of protecting the juvenile victims' procedural rights²³². In the action plan was partially reflected the challenges in the field of violence against children in the country. In particular, the plan didn't reflect identification of bullying and necessity of making responsiveness mechanism of it, increasing number of relevant professionals, that is necessary precondition for effective response to violence against child and for rehabilitation of child victims of violence.

The state of the fulfilment of the action plan

Objective 12.5.1. –the aim determined by the action plan of the government on the protection of human rights for 2016-2017 was to eliminate violence against children, and “research in best practices of identifying and preventing child abuse, assessment of existing mechanisms and adoption of new ones” has been determined as one of the objectives to achieve this aim. The indicators for task perfor-

232 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2015, pp. 641-646, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, retrieved: 01.02.2018;

mance got in touch with following activities: research on identification and prevention methods of violence against children (activity 12.5.1.1.), develop holistic strategy for the protection of children from violence (activity 12.5.1.2.), develop a detailed working document for the purpose of implementation of the Convention of Council of Europe on Protection of Children against Sexual Exploitation and Sexual Abuse and its approval by the Government of Georgia (activity 12.5.1.3.), carry out a study of best practices of identifying and preventing sexual abuse against children for their implementation (activity 12.5.1.4.), implementation of a pilot project for rehabilitation of child victims of sexual violence, determination of monitoring results (activity 12.5.1.5.) and retrain social workers on domestic violence, including issues of child abuse (activity 12.5.1.6.).

According to the information provided by the Ministry of Labor, Health and Social Affairs of Georgia on fulfillment of these activities, during the implementation of the action plan the division of Administration of Child and Domestic Violence has been created within the Department of Guardianship-Custody and Social Programs at LEPL Social Service Agency. In 2016 the “Procedures for Child Protection Referral” was approved, as well the “Instruction for Social Service Agency actions within the procedures for child Protection referral” was approved by the order of the Director of LEPL Social Services Agency. 16 trainings covering different issues of child abuse have been conducted for social workers during the implementation of the action plan²³³.

Objective 12.5.2. – Improvement of response mechanism for violence reporting has been one of the objectives to reach the aim of further improvement of the child protection referral system. According to the Action Plan, its performance should be based on the following criteria: the number of responses to cases of child abuse (activity 12.5.2.1.), update of referral procedures and approval by the Government of Georgia (activity 12.5.2.2.), the number of retrained police officers on detecting and responding to cases of child abuse (activity 12.5.2.3.), monitoring the implementation of internal procedures for child protection referral developed by schools and activity indicating appropriate response (activity 12.5.2.4.).

In 2016 the Social Service Agency responded to 755 cases of violence, and during 8 months in 2017 – to 546 cases. In 2016 the “Procedures for Child Protection Referral” was approved, as well - the Instruction for Social Service Agency actions within the procedures for child Protection referral²³⁴.

Since 2015, the academy of the Ministry of Internal Affairs of Georgia has been conducting a specialization training program for policemen and investigators in

233 The letter of the Ministry of Labor, Health and Social Affairs of Georgia, 3 October 2017, № 01/61915.

234 The letter of the Ministry of Labor, Health and Social Affairs of Georgia, 3 October 2017, № 01/61915 of 03;

order to meet the requirements of the Code of Juvenile Justice, which includes the issues of child right protection and reacting to child abuse cases. As of 2016, 407 people were retrained, and according to the data of 2017, there were 318 students in the program.

Objective 12.5.3. – to ensure protection of children against violence, education of professional groups on the protection of children’s rights has been determined as one of the objectives by the Action Plan, that should be measured by the number of professionals trained in the children’s rights (activity 12.5.3.1.). In particular, the judges, prosecutors, police officers, investigators, teachers, lawyers, medical personnel, social agents, school administration, school resource officers and others had to be trained.

According to the information provided, during the implementation of the Plan, 169 judges have been retrained on issues of juvenile justice, 22 judges – on issues of children’s rights, 9 judges – on family violence issues²³⁵. In 2016-2017 the Training Centre of Bar Association conducted 20 trainings with the participation of 50 lawyers of LEPL Legal Aid Service²³⁶.

Together with the consultants of UNICEF, the form of declaration of children living in the family and the instruction for filling the declaration were prepared. The form of declaration of children living in the family and the instruction for filling the declaration is an accompanying document of “Family Declaration”, that is filled in by the social worker only in families where children of 0-18 live²³⁷. In 2016-2017 conducted the training ‘Identification and prevention of violent and destructive behavior’ and 244 teachers and 52 Psychologists have been retrained throughout Tbilisi.

Objective 12.5.4. – according to the Action Plan of the Government on the Protection of Human Rights for 2016-2017, in order to protect children from abuse in the country the training of professionals participating in the child protection referral procedures in bio-psycho-social and legal aspects of violence against children had to be implemented (activity 12.5.4.1.). According to the information provided, 291 people have been retrained and 16 trainings have been conducted during the plan²³⁸.

235 The letter of the High School of Justice of Georgia, 28 September 2017, № 02/1629;

236 The letter of the LEPL Legal Aid Service, 4 October 2017, № LA 61700019124;

237 For the purposes of implementing the document in practice, the trainings for social agents, social workers and other authorized persons were conducted by the LEPL Social Service Agency. In particular, 449 workers were retrained.

The letter of the Ministry of Labor, Health and Social Affairs of Georgia, 3 October 2017, № 01/61915;

238 The letter of the Ministry of Labor, Health and Social Affairs of Georgia, 3 October 2017, № 01/61915;

Summary

The Plan covered almost all of the issues that were major obstacles for protection of children from violence in the country. The two important problems that were left beyond the Action Plan were the establishment of an effective response mechanism for the facts of bullying in general educational institutions, increase the number of psychologists in social service offices and the issue of creation of rehabilitation services for the child victims.

The study of the best practice and the conduct of the research defined by the Action Plan, was not carried out with regard to any activity, also the special curriculums defined by the Plan have not been developed, which once again indicates non-systemic character of state vision towards eliminating violence against children.

In spite of the work determined and implemented by the Plan for the elimination of violence against children is prevention of violence, timely detection of cases and effective implementation of measures of protection and assistance are still problematic. Domestic violence against the child is especially acute, which relates to child neglect and other forms of violence and timely reaction to protecting them from repeated violence. One of the main challenges is still the absence of rehabilitation services for child victims of violence. The rate of crimes against children's sexual freedom and the cases of violence against children at school are still high²³⁹.

Development of Child-Oriented Judicial System- Partially Fulfilled

For the purposes of development of child-oriented judicial system the following objectives have been determined by the Action Plan of the Government on the Protection of Human Rights for 2016-2017: implementation of requirements of Juvenile Justice Code (12.6.1), strengthening of liberal principles of justice (12.62.) and run statistics on crimes/offences committed against and by juveniles (12.6.3.).

Evaluation of the relevance of the objective and activities

The adoption of "Juvenile Justice Code" was important in terms of the development of the child-oriented judicial system. Despite this positive step, at the time of adoption of the Plan, there were challenges related to access to education of juvenile accused/convicts, lack of appropriate seasonal clothing and hygienic means. One of the main challenges was also the detention of accused juveniles at the institutions for adults, which lack the suitable environment for rehabilitation

239 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2016, pp. 568-576, <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, retrieved: 28.01.2018;

of juvenile prisoners. The problem was related to the lack of awareness of juvenile prisoners about their rights and obligations in the understandable form²⁴⁰.

The state of the fulfilment of the action plan

Objective 12.6.1. - Action Plan of the Government on the Protection of Human Rights for 2016-2017 has determined development of child-oriented judicial system as one of the directions for protection of children's rights, which shall be achieved by implementation of requirements of Juvenile Justice Code. The performance of this task has connected to teacher professional retraining, specialization and creation of child-oriented environment

According to the information provided, 45 persons have completed special teaching on juvenile judicial issues, among them were low-level and middle-level managers of various territorial bodies of prosecution system, prosecutors and investigators of prosecution. In 2016 a joint training on juvenile online sexual exploitation and computer crime was carried out, where 20 prosecutors specialized on juvenile justice were involved. 59 prosecutors have been trained on the specificities of working with disabled child victims and witnesses²⁴¹. In 2017, based on the needs revealed in practice, 24 prosecutors and investigators attended the specialized courses on juvenile justice. At the same time, 17 coordinators for witnesses and victims were trained in this direction. In 2017, on the subject of crimes against children, 5 training activities were carried out, including 2 study visits, in which 35 representatives of the Prosecutor's Office of Georgia participated. All prosecutors not specialized in the juvenile justice have been trained regarding the new Code of Juvenile Justice, the use of discretionary powers of a prosecutor, and the diversion/mediation issues. In 2017, 7 training courses were conducted, with 133 prosecutors and intern-prosecutors. In 2016-2017 the Training Centre of Bar Association conducted 20 trainings with the participation of 50 lawyers of LEPL Legal Aid Service²⁴².

According to the answer provided by the Ministry of Labor, health and Social Affairs of Georgia, in January-February of 2017, the social workers, lawyers and the workers of the Agency have been retrained on the issues of providing legal representation²⁴³. In addition, within the frames of this activity, at the Academy of the Ministry of Internal Affairs 491 listeners have completed the Program for training of the Specialized Police and Investigatoors implementing the juvenile justice process in 2016, and by 2017, 2018 policemen attended the trainings. ²⁴⁴.

240 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2015, pp. 120-125, <http://www.ombudsman.ge/uploads/other/3/3891.pdf>, retrieved: 01.02.2018;

241 The letter of Prosecutor's Office of the Ministry of Justice of Georgia, 9 October 2017, № 13/65276;

242 The letter of the LEPL Legal Aid Service, 4 October 2017 № LA 61700019124;

243 The letter of the Ministry of Labor, Health and Social Affairs of Georgia, 3 October 2017, № 01/61915;

244 The letter of the Ministry of Internal Affairs of Georgia, 16 November 2017, № MIA 61701771213;

The second activity envisaged for the purposes of implementation of the requirements of the Juvenile Justice Code, was development of training modules on legal and psychological characteristics of juvenile treatment and retraining of the professionals. According to the information provided, in 2015, 188 persons have completed the specializing course, among them the low-level and middle-level managers, prosecutors and the investigators of the system. In 2016-2017, 69 persons have been retrained²⁴⁵.

In 2017, an educational program for the coordinators of the witnesses and victims of the Prosecutor's Office of Georgia on "Juvenile Justice, Psychology and Juvenile Relationship Methodology", was developed and implemented, which was followed by the trainings for the coordinators. Also, the Prosecutor's Office of Georgia developed a specialized training course on the specificities of domestic violence cases, during which, the prosecutors were trained on psychological aspects of working with domestic violence and victim children. The action plan didn't take into consideration specific quantitative indicators, that would make possibility to determine the amount of work performed by retraining of professionals. Therefore, this objective can be considered as fulfilled.

In 2016-2017 within the frames of the third activity "creating child-oriented environment" of the objective of "Implementation of requirements of Juvenile Justice Code", the expert invited by the UNICEF visited several offices of prosecutor and evaluated them. Based on the recommendations provided by the expert, the working group was established, which works on development of the concept paper on creation of child-oriented environment²⁴⁶.

Objective 12.6.2. – according to the action plan, for the purposes of development of the child-oriented judicial system, the liberal principles of justice should have been strengthened. However, information regarding this objective was not provided by the relevant institution²⁴⁷. Also, information was not provided on the research activity carried which had to be carried out within the activity 12.6.3.2. in order to develop statistical surveys on crimes/offences committed against and by juveniles²⁴⁸. The Prosecutor's Office of Georgia also did not provide information on how the process of running statistics on crimes/offences committed against and by juveniles have been improved²⁴⁹. According to the information on improvement of statistics provided by the Ministry of Internal Affairs of Georgia, the statistical data on the criminal offenses committed against juveniles is processed

245 The letter of Prosecutor's Office of the Ministry of Justice of Georgia, 9 October 2017, № 13/65276;

246 The letter of Prosecutor's Office of the Ministry of Justice of Georgia, 9 October 2017, № 13/65276;

247 The letter of the Ministry of Corrections of Georgia, 9 October 2017, № MOC 41700789658;

248 The letter of Prosecutor's Office of the Ministry of Justice of Georgia, 9 October 2017, № 13/65276;

249 The letter of Prosecutor's Office of the Ministry of Justice of Georgia, 9 October 2017, № 13/65276;

by the Information-Analytical Department of the Ministry of Internal Affairs according to the articles/paragraphs (sub-paragraphs) of the Criminal Code, which envisages the crime committed against juveniles as an aggravating circumstance. Statistical data on administrative offences is processed according the articles/paragraphs of the Administrative Offences Code²⁵⁰.

Summary

In the Action Plan of the Government on the Protection of Human Rights for 2016-2017, the improvement of juvenile judicial system was mainly related to the creation and improvement of legislative and institutional mechanisms, which were especially pressing in parallel with the adoption of the “Juvenile Justice Code”. However, it did not actually reflect the main challenges that were provided in the report of the Public Defender of Georgia and relied on the results of monitoring conducted within the framework of the National Preventive Mechanism.

According to the information provided by the relevant institutions regarding the activities provided in the Action Plan, all the objectives have not been implemented. In certain cases the information was not delivered at all, which makes it impossible to evaluate the quality of fulfillment. Despite the works implemented, the detention of accused juveniles at the institutions for adults, still remains actual²⁵¹. Insufficient quantity of rehabilitation services, especially the anti-social behavior prevention programs, are still problematic²⁵².

The lack of effective quality control system is problematic in terms of establishment of legislative and institutional guarantees for juvenile justice²⁵³.

Recommendations

In order to protect the rights of the child in Georgia, the group working on the action plan on the protection of human rights should take into consideration the following:

- Determine the works that will be aimed at including the children living in the child institutions in the family-like services.

250 The letter of the Ministry of Internal Affairs of Georgia, 16 November 2017, № MIA 61701771213;

251 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2016, p. 26, <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, retrieved: 28.01.2018;

252 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2016, p. 115, <http://www.ombudsman.ge/uploads/other/4/4494.pdf>, retrieved: 28.01.2018;

253 Parliamentary Report of the Public Defender of Georgia on the Situation of Human Rights and Freedoms in Georgia, 2016, p. 7, <http://www.ombudsman.ge/uploads/other/4/4089.pdf>, retrieved: 05.02.2018;

- Action plan should be developed which will determine the detailed strategy for deinstitutionalization of the children living by the Patriarchate of the Orthodox Church and under Muslim Confession;
- Supervisory mechanism with the aim of protecting the rights of the child involved in the subprogram of foster care should be improved, regular relationship with biological parents should be facilitated, and the continuous training of the foster family regarding child rights and needs should be determined;
- Needs assessment should be carried out, which will reveal the major challenges with regard to healthy lifestyle among children and youth;
- Needs assessment should be carried out, which will reveal the needs of the families with children in crisis, upon which the measures directed at strengthening the families will be based;
- determine professional development and employment of mothers involved in the subprogram of providing shelter to mothers and children should be ensured;
- The geographical scope of the subprogram of providing shelter to homeless children should be widened, and preventive and rehabilitation services should be strengthened;
- State strategy for preparing children under state care for independent life should be determined;
- Research should be carried out, which will reveal the reasons of child mortality, malnutrition and the diseases derived from poverty, upon which the measures directed at decreasing child mortality rate will be based;
- Geographical accessibility of medical services should be increased, and prompt and quality services to children should be ensured;
- Specific action plan should be developed with the aim of improving the infrastructure of pre-school institutions and schools, which will also determine universal design principles;
- Needs assessment should be carried out which will reveal the major tendencies of getting informal education upon which the process of developing informal education programs will be based;

- Rehabilitation services for children victims of violence should be created. Moreover, prompt and appropriate psychological support to children victims of indirect violence should be ensured;
- Social service agency should be strengthened with relevant human and material resources, including increasing the number of psychologists across the country;
- Efficient rehabilitation services for accused/convicted juveniles should be established;
- Efficient system of the control of the juvenile justice quality should be established.

The Comparative Analysis of the Governmental Action Plans for 2014-2015 and 2016 -2017 Years

Despite the ratification of the UN Convention on the Rights of the Child, in 1994, and the child welfare reform, initiated in 2005, the process of protection of child rights in Georgia still faces serious challenges. The standards set out in the Convention for the Protection of Child Rights are often unfulfilled, in the absence of effective legislation and enforcement mechanisms.

One of the major challenges for Government Action Plans for Human Rights for 2014-2015 and 2016-2017 is the budgeting of the performance of specific activities. In particular, none of the named action plans indicate the financial resources allocated for the implementation of specific activities. In the conditions of these non-measurable indicators, which are problematic for both plans, it is, in fact, impossible to determine the effectiveness of the performance of the activities envisaged by the plans.

The obligations undertaken by the state in terms of protection of child rights and the activities for the protection of child rights in practice have been more or less reflected in the government action plans for human rights in recent years. However, the tasks defined by 2014-2015 and 2016-2017 Government Action Plans do not include all the issues, which represent a major challenge in terms of full and effective protection of the children's rights. In the 2014-2015 Government Action Plan, there is no record of the activities of the state in terms of such important issues as deinstitutionalization process, raising awareness on children's rights and obligations. The Human Rights Action Plan of 2016-2017 leaves out the issues of minors living the so-called shadow children's institutions, as well as, nec-

essary measures to eliminate the difficulties for the implementation of the state reintegration subprogram, the children's health promotion activities, including children's mental health protection issues, the issue of children leaving the state care, child labour and the worst forms of labour. Analysis of Human Rights Action Plans for 2014-2015 and 2016-2017 showed that the issue of repetition of tasks and activities is problematic. This indicates that previous operational tasks have not been fulfilled. The 2016-2017 Government Action Plan repeats the issues of strengthening the monitoring capacity of the Public Defender's Office, ratification of the Additional Protocol No.3 of the Convention on the Rights of the Child, the legislative amendments and appropriate normative base for the elimination of violence against children, assigning levels to the maternity hospitals throughout the country and creation of child-oriented environment.

Comparative analysis of the action plans showed that, if in certain cases, the tasks are repeated, there are also occasions, when the tasks defined by the 2014-2015 Human Rights Action Plan, have not been fulfilled, and despite the significance of the issue, they have not been included in the 2016-2017 Action Plan. According to the report on fulfillment of the 2014-2015 Government Action Plan for Human Rights, the principle of the true interest of the child was not integrated into state programs, policy development process, and legal or administrative procedures; specific work has not been carried out in promoting the development of children's mental health care services. There is nothing in the report on the works for the implementation of services for the young people leaving the state care, as well as, the possibility of ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, discussion of possibilities of ratification of the International Convention on the protection and Assistance to Internally Displaced Persons, on the analysis of the legislation regulating the civil and administrative offenses, in accordance with the international standards of child rights, and the development of preparatory and retraining programs for preschool education specialists in universities.

The comparative analysis of Action Plans shows that the Government Action Plan for Human Rights 2014-2015, with regards to child rights, was more comprehensive compared to the 2016-2017 Action Plan, and included almost all important issues, in the case of fulfillment of which, it would provide the opportunity to systemically solve the existing problems in child protection. However, due to the general formulations of the tasks and activities defined by the plan, most of them remained unfulfilled.

Gender Equality and the Rights of Women

Union Sapari



Executive summary

Men and women shall have equal opportunities and rights at all stages of their lives. Georgia still faces challenges in this regard. Substantial equality between women and men cannot be achieved due to patriarchal society and established gender stereotypes. Women's engagement in the country's political, economic and social life is very low. In addition, we still face domestic violence, including problem of physical, sexual and economic violence that significantly hinders the improvement of gender equality in Georgia.

The aim of this chapter of the Monitoring Report is to identify at which extent all the current challenges regarding the women's rights have been reflected in the Government Action Plan 2016-2017. Furthermore, it also aims to evaluate the implementation of the Action Plan. For this purpose, domestic legislation of the country and obligations undertaken under international treaties by Georgia have been revised.

At the same time, in the course of preparing the report, we have reviewed other action plans linked to the Governmental Action Plan on Human Rights. Such plans are the following: National Action Plan 2016-2017 on the Measures to be Implemented for Combating Violence against Women and Domestic Violence and Protection of Victims, which was approved by the Ordinance N 341 of the Government of Georgia on 21 July 2016 and which is beyond the issues of domestic violence and covers other forms of violence against women too. The measures of the Action Plan for Implementation of Gender Equality Policy in Georgia 2014-2016 was also reviewed.

According to this document it may be concluded that, in order to ensure equal political, economic and social possibilities for women and men, a comprehensive and transformational approach to the issues of increasing gender equality and women's possibilities shall be developed.²⁵⁴ It is important to take effective measures in order to eliminate violence against women and discrimination in labour relations, as well as for increasing women's representation in political life and for their economic empowerment.

254 B. Pataria, Assessing the First Year of Implementation of the Association Agenda in the Field of Politics, 2015

Furthermore, the monitoring results show that, activities under the Action Plan are not sufficient and effective for achieving the goals and objectives of the Plan. Number of quantitative indicators (indicators that do not allow measuring the real impact), often causes the difficulties in evaluating the implementation of the HRAP.

In terms of implementation of the Action Plan, most activities have “completed” status. Although, it does not mean that various governmental agencies, responsible for different sectoral activities, have fulfilled all their obligations under the Action Plan. Better work is needed to raise the awareness of population, especially within the private and public sector workers.

General assessment of the Chapter on Gender Equality and Women’s Empowerment with regards the women’s needs and challenges in the country in this respect

In recent years many positive measures have been taken in the area of women’s rights and gender equality, regardless the fact the country is still facing significant challenges. Violence against women, domestic violence, women’s participation in decision-making process, women’s economic activity and discriminatory approaches in labour relations - this is the incomplete list of issues which still remain challenging in Georgia. Georgia is the signatory of several international treaties, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 2 of the Convention imposes obligation on State Parties to the Convention to condemn discrimination against women in all its forms and ensure women’s and men’s equality.²⁵⁵ EU-Georgia Association Agreement Agenda of 2014, in the section of equality envisages improvement of gender equality in social, political and economic life as one of the basic areas.²⁵⁶

National Strategy for the Protection of Human Rights (2014-2020), in the section of protection of women’s rights and combating violence against women, encompasses five basic tasks:

1. Implement effective measures across all fields to ensure and promote the concept of gender equality; in particular, encourage greater involvement of women in political life, as well as decision-making process;

²⁵⁵ UN Convention on Elimination of All Forms of Discrimination against Women, Article 2

²⁵⁶ EU-Georgia Association Agreement and Association Agenda 2014-2016

2. Ensure prompt and effective response to all reported cases of gender discrimination;
3. Ensure the full compliance of existing mechanisms with international standards for the protection and assistance of victims of domestic violence;
4. Conduct awareness-raising campaigns, especially for civil servants, on issues of gender equality and domestic violence;
5. Provide access to legal protection, psycho/social rehabilitative facilities and shelters for victims of domestic violence.

Governmental Action Plan on the Protection of Human Rights (for 2016-2017) aims to fulfil the objective 14 of the National Strategy. The action plan involves activities necessary for ensuring gender equality and enjoyment of women's rights. Although some critical issues are beyond the Action Plan.

Women's discrimination at the workplace is one of the widespread problems. According to data of 2015 of National Statistics Office of Georgia, women earn 63% of men's income on average.²⁵⁷ There are no measures provided in the Action Plan for elimination this pay gap. Similar situation applies to the measures of the Action Plan for Implementation of Gender Equality Policy in Georgia 2014-2016. The plan does not provide any activities to condemn unequal remunerations.

Additional focus is required on challenges in the area of gender mainstreaming. The practice shows that at the level of executive authority, both in the ministries and in the staff offices of the State Minister, most of the employees are women, but they are less likely to be in the managing positions.²⁵⁸ So called 'glass ceiling' is also problematic, which implies those invisible barriers preventing women's career development. The Action Plan does not provide this issue at all. The issue of single mothers and women's unpaid labour is beyond the Action Plan.

The Special Rapporteur on violence against women, its causes and consequences expressed concern regarding the virginity testing.²⁵⁹ Action Plan for Protection of Human Rights and National Action Plan 2016-2017 on the Measures to be Implemented for Combating Violence against Women and Domestic Violence and

257 GEOSTAT (National Statistics Office of Georgia), 2015

258 Report on the Situation of the Protection of Human Rights and Freedoms in Georgia, Public Defender of Georgia, 10 December 2016

259 Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia, 9 June, 2016, A/HRC/32/42/Add.3

In 2014, the Committee on the Elimination of All Forms of Discrimination against Women, as a result of reviewing fourth and fifth periodic reports, expressed concern for conducting the virginity testing.

Protection of Victims are focused only on early marriage and the practice of gender-based sex selection, but such harmful practice as the procedure establishing the virginity is not provided in the Plan at all.

Regardless the obligations undertaken under international treaties by Georgia, the sexual harassment (neither at the workplace, nor in the public areas) is not considered in Chapter 13 of the Action Plan and legislative amendments are not envisaged in this regard. According to data of the Public Defender of Georgia, the cases of sexual harassment in the workplace are quite frequent, although the number of claimants is very low.²⁶⁰ Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) was signed in 2014 and it was ratified in 2017. In order to harmonise the current legislation with the Convention, the ratification package accompanying the Convention was submitted to the Parliament of Georgia; definition of sexual harassment was not provided in the draft law. Article 40 of the Convention²⁶¹ recommends the parties to regulate the issue of sexual harassment. Within the framework of the UN Universal Periodic Review, the Government of Georgia was recommended to regulate the issue of sexual harassment.²⁶²

Assessment of relevance, effectiveness and priorities of tasks and activities

Action Plan 2016-2017 covers only two aims in the area of gender equality and women's empowerment, namely: 1. Ensuring gender equality and protection of women's rights and 2. Combating discrimination based on sexual orientation and gender identity.

Aim 13.1 - Ensuring gender equality and protection of women's rights

Task 13.1.1 - Carry out efficient activities in the executive authority in order to implement gender equality policy

This task is quite broad and enables the Government to perform a number of various actions, however, only three actions are envisaged in this regard: Development of the gender equality mechanisms in the executive authority, in order to

²⁶⁰ Public Defender of Georgia, Annual Report, 2014

²⁶¹ Article 40 of the Istanbul Convention states: Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.

²⁶² Report of the Working Group on the Universal Periodic Review - Georgia, 13 January 2015, A/HRC/31/15

revise the law on gender equality and harmonise it with international standards, formation of relevant working group and taking into consideration gender aspects in the process of budget formation. These actions are not sufficient to ensure achieving the set aims and tasks. Making amendments to the law on gender equality and its harmonisation with international standards, is one of the important tools for achieving the aims presented in the plan. Regardless the amendments made to the law, it is necessary to revise the law on gender equality again and remedy its shortcomings. Temporary special measures may be introduced in the law on gender equality; these measures will ensure balanced representation at ministers' level, in governing authorities and other governmental representations.²⁶³

As to taking into consideration gender aspects in the budget formation, the agencies, which are financed from the State Budget, are referred as the agencies responsible for performing the action. The indicator of the Action Plan related to the activity in question is that the agencies financed from the State Budget shall take into consideration the gender aspects in the process of budget formation. However, this indicator cannot enable to measure the outcome efficiently. In order to assess the progress of the activity, availability of a quantitative indicator

is also important, it would be much more justified to formulate the following type of indicator - the number of the agencies financed from the State Budget which have regarded the gender aspects in the process of budget formation. As to the performance of the action, taking into consideration the gender aspects in the process of budget formation still remains a challenge.²⁶⁴ Under the Order of the Minister of Finance of Georgia of 14 August 2015, depending on necessity according to the specific character of programmes, in gender-sensitive programmes, it is important that one of the assessment indicators to be specified as the assessment indicator of the programme in gender aspect.²⁶⁵ However, institutions spending funds from the state budget, are not obliged to present the information on the programmes to be implemented in the light of gender. Subsequently, according to data of 2017 of the Parliamentary Budget Office, final outcomes and assessment indicators of the programmes of spending institutions/ministries are not presented in the light of gender²⁶⁶ and it may complicate assessment of aims to be achieved. Principles of gender equality shall be considered in all stages of

263 Chugoshvili T.; Gender Equality in Georgia: Barriers and Recommendations, vol. I, January, 2018, p. 36

264 "Brief Assessment of Considering Gender Aspects in Formation of the State Budget", Parliamentary Budget Office, 2017

265 Order No265 of the Minister of Finance of Georgia of 14 August 2015, Annex 1

266 E.g. the Programme of the Ministry of Labour, Health and Social Affairs of Georgia: (35 01), Management of the programme of the Ministry of Labour, Health and Social Affairs of Georgia: One of the aims is implementation of actions for preventing human trafficking and domestic violence. One of the assessment indicators of the programme is reduction of statistics on risks of human trafficking and domestic violence. Expected outcomes and assessment indicators are not introduced in the context of gender.

budget process. According to the interim report of action plan assessment of the Human Rights Secretariat, in the process of formation of state budget of 2016, the Central Election Commission took into consideration the gender aspects. At the same time, taking into consideration the gender aspects in the process of budget planning is the strategic aim of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia. In 2016, the Ministry approved internal draft document “Strategy of Gender Equality and the Action Plan”. This document provides for research and analysis on gender equality issues by the Ministry and, based on the analysis, consideration of gender aspects in the process of budget planning.²⁶⁷ The activity set in the plan is partially implemented.

Task 13.1.2 - Integrating gender equality issues in education

In concluding observations 2014 of the Committee on the Elimination of all forms of Discrimination against Women, the education issues were named as one of the main critical problems²⁶⁸. The focus was made on gender inequality in the field of education, where most of the teachers are women, whereas men occupy high-ranking positions in administrations.²⁶⁹ The committee called on the Government to take concrete and effective measures (such as incentives, including career mobility).

Providing gender equality issues in training modules developed for teachers, revising the current legislation in order to draft amendments for integrating gender aspects and promoting introduction of gender equality in education - this is the list of actions which are provided in the Plan for achieving the aim of the task. The Ministry of Education and Science of Georgia has partially implemented the activities set in the Plan. 270 Although, it should be noted that the Plan does not include activities which is aimed at dealing with the horizontal and vertical segregation and achieving the gender balance in the recruitment process of teachers.

267 Interim Report for Governmental Action Plan of Human Rights (2016-2017), p. 173, Gender aspects were taken into consideration in the course of development of the activities approved by the Action Plan of 2016-2017 for Implementation of Strategy for Access to Livelihoods for Internally displaced persons.

268 Committee on Elimination of all Forms of Discrimination against Women, concluding observations on the combined fourth and fifth periodic reports of Georgia, July 2014, CEDAW/C/GEO/CO/4-5.

269 Committee on Elimination of all Forms of Discrimination against Women, concluding observations on the combined fourth and fifth periodic reports of Georgia, July 2014, CEDAW/C/GEO/CO/4-5.

270 According to the letter #MES 81701149457, 25/09/2017 of the Ministry of Education and Sciences of Georgia, the training-module has been developed for teachers, which encompasses information on gender equality/reproductive health/healthy lifestyle/rights; The Leadership Academy 2 module has been developed within the frameworks of “Teacher and School Directors Professional Development Project”, which discusses gender equality issues and social stereotypes. The issues related to gender equality were reflected in every training module of the project. In addition, the 6th training module “Equality Issues” of the Leadership Academy 2, deals with equality issues in schools. According to the module 6, in 2017-2018, training sessions were conducted for public school directors, heads of resource centers and school-based professional development facilitators. In addition, the Ministry implemented gender analysis of the legislation in the field of education. According to the report on the implementation of the Human Rights Action Plan (2016-2017), the Ministry did not implement Activity 13.1.2.3 (promoting gender equality in the field of general education).

At the same time, the important instrument for ensuring the gender equality is to raise awareness on the gender equality issues. The Action Plan does not provide any activity for raising awareness among employees in the field of education (such as trainings on issues of the gender equality for employees in the field of education).

Task 13.1.3 - Combating gender stereotypes and gender inequality through raising awareness of public servants and society in general

The society sets different roles for women and men. Public in general tends to believe that women's role is to take care of the family, raise up the next generation, while men should care about economic stability and security. Although, desires of women and men in existing reality do not correspond with those stereotypes, society perceptions are traditional²⁷¹. According to the research on gender attitudes most women (66%) and men (78%) see women primarily within the family, controlling and regulating domestic affairs.²⁷² Society plays an important role in ensuring gender equality, that is, our society should perceive gender equality as valuable.

Activity 13.1.3.4 of the Action Plan envisages conducting information meetings on gender equality issues in the regions populated by national/ethnic minorities. Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, Office of the State Minister of Georgia for Reconciliation and Civic Equality and the Ministry of Internal Affairs are determined as the responsible authorities for conducting these meetings. In this regard, the Office of the State Minister of Georgia for Reconciliation and Civic Equality and the Ministry of Internal Affairs²⁷³ has fulfilled the obligations undertaken under the Action Plan. However, it should be noted that 2016 was determined as the term for implementation of this activity, while the Office of the State Minister of Georgia for Reconciliation and Civic Equality held only 12 meetings within the established timeframes (20 meetings were envisaged by the plan). Within the project "Young People for Gender Equality" in 2017, 106 training in 61 villages of Kvemo Kartli, Samtskhe-Javakheti and Kakheti region was conducted. More than 4000 attendant (students, teachers, team leaders, parents) received information on domestic violence issue and prevention mechanisms. Besides, 66 meeting on the early marriage issue was conducted in 33 villages, settled by the ethnic minorities.²⁷⁴ Although the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia is also responsible for implementation the action 13.1.3.4, the Ministry has not taken any measures in this regard. The Ministry provided the fact that the vulnerable groups involved in the activity, in particular, national/ethnic minorities, had not been the beneficiaries of the Ministry.

271 ACT, Public Perception on Gender Equality in Politics and Business, UNDP 2013, pg. 40

272 National Study on Violence Against Women, UN Women 2017, pg. 13

273 According to the information provided by the Ministry of Internal Affairs, information meetings were held on 10 locations in Georgia with local population and public school students on violence against women, bullying and gender-based violence.

274 Letter N100, 16/01/2018 of the Office of the State Minister of Georgia for Reconciliation and Civic Equality;

Development of a compulsory training course for the employees of the executive authority is also one of the activities envisaged in the Plan (13.1.3.2), Administration of the Government of Georgia should be responsible for implementing this activity. However, we have not received information about the implementation of the activity yet.

None of the activity indicators enable assessment of the impact of the activity on the target group. For example, activity 13.1.3.1 envisages conducting the information campaigns, while the activity indicator is oriented only on the number of the meetings. We have faced similar problems in connection with the other indicators. For example, indicator of activity 13.1.3.3 (radio and TV coverage of early marriage, reproductive health, prevention of gender based sex selection and other relevant topics) is focused only on completion of the activity and is not focused on the impact of the activity on the target group. It is unable to assess the progress of the implementation of the task due to such approach.

Task 13.1.4 - Promotion of women's economic empowerment

Women's economic empowerment is directly linked to achievement of gender equality and reduction of violence against women. The women lacking financial resources and financial independence cannot escape from violent families. Matters examined by the Public Defender of Georgia is the proof that women suffer from the violence committed by their spouses only because of the lack of appropriate material resources.²⁷⁵

The promotion of women's economic empowerment is a quite general formulation and it is likely an aim than the task. The plan says nothing about the business education and supporting the development of the skills of the woman living in villages. The activities envisaged in this section of the Plan are general. For example, action 13.1.4.3 - promoting women's engagement in agrobusiness within the framework of the projects initiated by the Ministry of Agriculture of Georgia. It is ambiguous what is implied under the term 'promoting', as such formulation cannot enable measuring the progress of the activity. The section of indicators is also problematic. As the indicator of activity 13.1.4.3 is defined the increase of access to financial resources, including increase of access for women. Increasing the access is an activity and not an indicator. The same problem is faced regarding the indicator of the activity 13.1.4.5, that is ensuring women's engagement in local action group of rural development. In this case, increasing women's engagement in determination of priority areas of rural development is also an activity. Therefore, it is impossible to assess progress of performance of the activity by the activity itself.

275 Public Defender of Georgia, Women's Rights and Gender Equality, 2016, p. 33

As to the status of performance of the activity, they are partially implemented.²⁷⁶ The Ministry of Agriculture of Georgia provides persons engaged in agricultural activities and/or interested persons with systematic broadening of knowledge and trainings (13.1.4.2).²⁷⁷ At the same time, according to the data of 18 September 2017, 82 women's cooperatives were registered, while 3270 shareholder women are members of agricultural cooperatives (13.1.4.4). The submitted data has not improved as compared to the data from 2016.²⁷⁸

As to the activity 13.1.4.3, according to the information provided by the Ministry, implemented projects/programmes do not provide any particular conditions for the beneficiaries of the agency on gender or any other basis. At the same time, statistics are not recorded regarding women's number engaged in the activities implemented and trainings and information meetings conducted by the Agricultural Project's Management Agency.²⁷⁹ Therefore, it is difficult to assess the performance of the introduced activity.

Education sector in Georgia is still segregated in terms of the gender.²⁸⁰ For example, agricultural study programmes, as well as engineering and constructing fields mostly involve male students, whereas the education programmes involve female students.²⁸¹ It is necessary to raise awareness among young people in this respect and encourage them not to be influenced by gender stereotypes when choosing their profession. The Action Plan does not provide any measures in this regard.

Task 13.1.6 - Prevention of gender-based crime and effective response to them

Activities for preventing crime and effective response to them provided in the Action Plan are minimal. The first activity is the development of special guidelines for efficient investigation of gender-based crime (13.1.6.1). The letter submitted by the Prosecutor's Office encompasses one specific recommendation developed by the Division of Human Rights Protection which deals with application of Article

276 The Ministry of Agriculture fulfilled Activity 13.1.4.1. As for Activity 13.1.4.5, the information provided by the Ministry is not sufficient to assess the implementation of Activity (the absence of basic data in the plan is also problematic).

277 The letter N 1059/01, 06/02/2018 of the Ministry of Agriculture of Georgia; according to the information provided by the Ministry, partner organisations (Mercy Corps, People in Need, CARE, OXFAM GB, FAO) of the European Neighbourhood Programme for Agriculture and Rural Development and other international organisations (SDC, UNDP, USAID) conducted different training courses, seminars and conferences.

278 According to the report on the implementation of the Government Action Plan for Human Rights (2016-2017), as of December 31, 2016 the number of women shareholders in the agricultural cooperatives is 3902.

279 Letter N 1059/01, 06/02/2018 of the Ministry of Agriculture of Georgia; According to the letter, increasing number of beneficiaries in the implemented project directly implies women's access to financial resources. Number of beneficiary women varies according to the projects: Agroinsurance programme - 7.3%, Plant the Future - 18.3%, IFAD - 19%, project for facilitation small landowners during the spring works - 33.7%.

280 K. Margvelashvili; Women's Economic Empowering in Georgia, Analysis of Existing Policy and Initiatives, Sapari, UN Development Programme (UNDP) 2017, p. 6

281 K. Margvelashvili; Women's Economic Empowering in Georgia, Analysis of Existing Policy and Initiatives, Sapari, UN Development Programme (UNDP) 2017, p. 6

53(31) of the Criminal Code of Georgia as an aggravating factor of punishment. Information on other special guidelines is not provided in the letter.²⁸² The second action of the task envisages development of special training course for law-enforcement authorities on specific character of the crimes committed on gender grounds (13.1.6.2). Training programme on increasing women's access to justice, as well as on combating violence against women and domestic violence has been designed for prosecutors.²⁸³ As for the development of special guiding principles in the health care system (13.1.6.3), guidelines have been developed on the principles of revealing physical, psychological and sexual violence against women and the issues of a referral. In addition, the standard action instructions (standard operational procedures) project was developed.

Task 13.1.7 - Promoting women's and men's equal participation in political life

Promoting women's higher participation rate in political life and decision-making process, is also one of the tasks of the National Strategy. Regardless the adoption of the Law of Georgia on Gender Equality in 2010 and the Law of Georgia on Elimination of All Forms of Discrimination in 2014, ensuring de facto equality still remains a challenge.²⁸⁴ The researches conducted before the 2016 Parliamentary Elections of Georgia has shown that only 17% of majoritarian candidates were women, in the party lists, the total number of female candidates was 37%. This is one more proof that there is no place for female candidates in the party lists.²⁸⁵ According to the Gender Inequality Global Index 2016, Georgia is ranking 114 (among 144 countries) with the index of women's representation in the Parliament and their political engagement.²⁸⁶

The introduced data once again proved the need of additional measures to be taken in order to increase women's representation in political life.

Task 13.1.7 of the Action Plan involves four activities: In order to increase women's representation in elected bodies, initiating legislative amendments, processing

282 The letter N 13/66817, 17/10/2017 of the Chief Prosecutor's Office of Georgia; according to the information provided by the Ministry, in 2016, the Division of Human Rights Protection of the Chief Prosecutor's Office of Georgia developed recommendation for practical application of Article 53(31) of the Criminal Code of Georgia as the aggravating factor of punishment. The recommendation also included the issues of the classification of hate crimes, the process of investigation, the acquisition of evidence and gathering of statistical data. Also, in 2017, the recommendation regarding the necessary investigative and procedural actions in the cases of domestic violence and family offenses was revised.

283 The letter N 13/66817, 17/10/2017 of the Chief Prosecutor's Office of Georgia; in 2016, 35 attendants participated in the specialized training course on the prevention of domestic violence and violence against women.

284 Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia, 9 June, 2016, A/HRC/32/42/Add.3

285 Report on the Situation of the Protection of Human Rights and Freedoms in Georgia, Public Defender of Georgia, 10 December 2016

286 Information is available at the address: <http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=GEO>

electoral information regarding the gender composition, elaborating and implementing curricula on gender-related issues and training of potential female candidates regarding the electoral procedures.

The introduced activities are not a novelty, Human Rights Action Plan 2014-2015 also involved activities which promotes increasing women's participation at decision-making level. Some of the actions were transferred to tasks from the mentioned Action Plan to the Action Plan 2016-2017. For example, such as the action of 'promotion of women's and men's equal participation in the political life.

The Central Election Commission of Georgia implemented all three above-mentioned activities, however, the introduced activities are not sufficient to implement the task provided in the Plan.²⁸⁷

The Committee on the Elimination of All Forms of Discrimination against Women recommended Georgia to adopt temporary special measures in line with Article 4(1) of the Convention on Eliminating All forms of Discrimination against Women and the Committee's general recommendation No. 25²⁸⁸ on the subject, which aim to accelerate the achievement of substantive equality of women and men in political, economic, social and other fields. The Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia recommends the Government of Georgia to adopt law on mandatory quotas, according to which 30% will be the minimum limit of women's participation in the Parliament of Georgia.²⁸⁹ A legislative proposal on amendments to the Election Code of Georgia was submitted to the Parliament of Georgia in 2015 under which, for electoral registration, when submitting proportional party lists, the political parties shall observe the 50% quota. The Parliament of Georgia did not support this proposal. Regardless the fact that action 13.1.7.1 envisages legislative amendments for increasing women's representation in elected bodies, currently no amendments are made to legislation in connection with quotas.²⁹⁰ And the

287 Letter No01-07/46, 15/01/2018 of the Central Election Commission of Georgia; under the provided letter, the CEC regularly processes information taking into consideration the gender aspects. In the banner, "gender statistics", posted on the CEC website, the following type of information is provided in connection with gender aspects: persons registered in the unified list of voters, candidates nominated through proportional and majoritarian election systems and elected members. The CEC, together with Electoral Systems Development, Reforms and Training Centre, has implemented educational projects, such as 'Electoral Development School', 'Talk to Voters' and 'Law Clinic', as well as educational modules on gender issues. At the same time, Electoral Systems Development, Reforms and Training Centre operating within the governance of CEC, provided trainings for potential female candidates willing to participate in the Parliamentary Elections of 8 October 2016. Representatives of political associations were also provided with trainings.

288 Committee on Elimination of all forms of Discrimination against Women, concluding observations on the combined fourth and fifth periodic reports of Georgia, July 2014, CEDAW/C/GEO/CO/4-5, Paragraph 17.

289 Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia, 9 June, 2016, A/HRC/32/42/Add.3

290 Letter N12014/2-4, 27/09/2017 of the Staff Office of the Parliament of Georgia; according to the information provided by the Staff Office, legislative amendments supporting women's political participation (quotas) is one of the activities of the Action Plan 2017 of the Gender Equality Council of the Parliament of Georgia, and the Council works on and advocates the issue in the Parliament of Georgia.

existing legislation is not sufficient for effective implementation of gender equality policy. On 12 June 2017, the working group on women's political representation submitted the legislative initiative to the Parliament on gender quotas. The Legal Issues and the Human Rights Committees supported the initiative.

13.1.8 Task - Increasing women's representation in municipality authorities

In order to perform the introduced task, legislative amendments are provided in the plan. Activity 13.1.8.1 is formulated in the following manner: "Initiating relevant legislative amendments for the purpose of increasing women's representation in municipality authorities." The record "relevant" is quite ambiguous and general and it cannot be clarified what particular amendments are planned by the government. At the same time, the indicator introduced in the plan - "relevant legislative amendments are initiated for the purpose of increasing women's representation in municipality authority" - cannot assess the implemented activity in qualitative manner. According to the information submitted by the Staff Office of the Parliament of Georgia, in 2016, the legislative initiative on amendments to the Law of Georgia on Political Associations of Citizens was submitted to the Parliament of Georgia.²⁹¹ The Parliament did not support the initiative. Only the fact of initiating certain amendments, of course, cannot be considered as implementation of the task. The legislative tasks may be considered as completed only after adopting them by relevant authorities. In addition, the action plan shall contain precise information on the legislative amendments to be made.

Maggie Nicholson, Independent Human Rights Consultant, in her Report 2017 once again focuses on quite challenging situation regarding women's representation in local authorities. Particularly, the above-mentioned concerns the municipalities with ethnic minorities, and she advises the Government to introduce stronger mechanisms to promote higher engagement of women in political life at national and local level.²⁹² Gender equality issues are not often reviewed at the level of local self government. At the same time, elimination of this problem is not prioritised and strategic areas and consequently, the problem is not reflected in internal action plans and development strategies.²⁹³ One of the reasons arising the above-mentioned problem is that women lack relevant knowledge. At the same time, citizens are not informed on gender-related issues. It is important

291 Draft organic law on amendments to the Organic Law of Georgia Political Associations of Citizens (#07-3/590; 09.06.2016), (under the submitted draft organic law, 'A party receiving funding under this article shall receive a bonus of 30% of the basic funding if, they have at least one female candidate included in each three candidates of the election list presented by this party' (instead of recording - at least 30% of female candidates are included in the first, second and every subsequent 10 candidates).

292 Maggie Nicholson, Report on Progress in the Implementation of the National Strategy for The Protection of Human Rights in Georgia 2014-2020, And Recommendations as to Future Approaches, USAID, UNDP, March 2017, p. 38

293 Needs Assessment of Ethnic Minority Women in Georgia, European Centre For Minority Issues, 2014, p. 40 (Action Plan of Samtskhe-Javakheti 2013-2017 Neglects the problems of gender equality).

that the plan to involve certain activities in this regard, such as conducting information meetings, as well as providing women with professional and training courses. Unfortunately, this section of the Plan, due to its content, does not aim at empowering the local women.

Actions related to gender equality and women's rights may be found in Chapter 4 as well. The objective, 4.6 provided in the Chapter on Human Rights Protection within the penitentiary system, aims to ensure protection of the rights of specific categories of prisoners. The women prisoners are included in the list of these 'specific categories'. As it is referred in the Recommendation of David Johnson, Human Rights M&E International Expert, different leading agencies have different approaches to the Plan. Some agencies set out detailed aims, tasks and activities in the plan, while other agencies limited the number and details of their commitments.²⁹⁴ Detailed information on implementation of the activities regarding protection of rights of women prisoners set out in the plan is provided in Chapter IV of the Monitoring Report, which deals with the protection of human rights within the system of penitentiary system.²⁹⁵

Recommendations

Parliament of Georgia:

- Obligatory gender quotas shall be established in order to increase women's participation in political life;
- Sexual harassment shall be regulated in relevant legislative acts.

Government of Georgia:

- Similar to Ministry of Defence and Ministry of Refugees, other ministries shall also create an internal regulatory document, such as, Gender Equality Strategy and Action Plan;
- Civil servants shall be systematically trained in order to ensure gender sensitive policymaking;
- Gender aspects shall be provided in the process of the State Budget formation;

294 D. Johnson, Recommendations on a proper monitoring system and ongoing activities for the Georgian National Human Rights Action Plan, 2017, p. 18

295 Chapter IV, Human Rights Protection in Penitentiary System, Aim 4.6, Ensuring Protection of Rights of Particular Categories of Prisoners

- Measures shall be taken in order to raise awareness of the population on such harmful practices such as early marriage, marriage by duress, virginity testing, illegal deprivation of liberty (for marriage purpose);
- Attention shall be paid to equal remuneration at the workplace, as well as to conditions of pregnant and nursing mothers (in both, public and private sectors);
- State programmes shall be developed for the purpose of women's economic empowerment; under the programme women can receive financial assistance;
- To increase the involvement of the woman and girls living in hardship in the villages in the economic empowerment programs;
- Tasks, activities and indicators in the Action Plan shall be scheduled on the basis of preliminary situational analysis;
- The terms of implementation of activities shall be defined on a quarterly basis;
- The action plan shall provide an opportunity to measure progress achieved;
- The online platform for monitoring and reporting shall be created.

The Comparative Analysis of the Government Action Plans for 2014 -2015 and 2016-2017 Years

General Assessment of the Plan

The 2014-2015 Human Rights Action Plan, as well as the 2016-2017 Action Plan, contains several structural shortcomings.

- In a number of cases, there are no progress oriented indicators, which makes it almost impossible to evaluate the performance effectiveness of the plan;
- There are no baseline and target markers;
- Execution deadlines are general;

The gender equality and women's empowerment part of the 2016-2017 Government Human Rights Action Plan, mostly duplicates the objectives, goals, and activities envisaged in the 2014-2015 Action Plan. Some of the activities have not been implemented at all, in the reporting period (2014-2015).

Task 13.1.1 - Carry out efficient activities in the executive authority in order to implement gender equality policy

Despite the fact that the 2014-2015 Action Plan defines the creation of an inter-agency commission on gender equality with the executive branch of the government as one of the activities, the given institutional mechanism was only set up in June of 2017. In 2014, the Advisor to the Prime Minister on human rights and gender equality issues was assigned an additional function, in particular, the chairmanship of the inter-agency council for the implementation of the activities for prevention of domestic violence.

In addition, considering gender aspects in the process of budget formation is an activity envisaged by the 2014-2015 Action Plan. This activity is also reflected in the 2016-2017 Plan, although it is still, only partially fulfilled.²⁹⁶

Task 13.1.2 - Integrating gender equality issues in education

Unlike the 2016-2017 Action Plan, the 2014-2015 Plan contained more activities (up to 10) for the implementation, however, most of the activities were only partially implemented and some were not implemented in the reporting period altogether and are included unchanged in the 2016-2017 Action Plan.²⁹⁷

Task 13.1.3 - Combating gender stereotypes and gender inequality through raising awareness of public servants and society in general

Unlike the 2016-2017 Human Rights Action Plan, awareness rising in the society, was not defined as a separate task in the 2014-2015 Action Plan. Fighting against the gender stereotypes and gender inequality by raising awareness is one of activities of the plan. However, such a formulation is fairly general. According to the report of the Human Rights Action Plan (2014-2015), the activity has not been fulfilled during the reporting period. Also, Activity 14.1.2.10 - informing the national minorities on the issues of gender equality - was only partially implemented.

Task 13.1.4 - Promotion of women's economic empowerment

The presented task is included in 2016-2017, as well as, 2014-2015 action plans (with minor adjustments). In addition, the activities defined for the implementation of the task are almost identical. None of the indicators provide an opportuni-

²⁹⁶ Report on the implementation of the Human Rights Action Plan (2016-2017), p. 254, the gender aspects were taken into consideration by the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia and the CEC

²⁹⁷ For example, Activity 14.1.2.1 - Considering gender aspects in the basic laws in the field of education

ty to measure the effectiveness efficiently. Both, in the old and new action plans, the indicators are general and there are no basic and target markers. For example, one of the indicators is to “increase women’s involvement in agricultural cooperatives”. Such an indicator does not actually allow assessing progress.

Task 13.1.6 - Prevention of gender-based crime and effective response to them

Unlike the 2016-2017 Action Plan, the 2014-2015 Action Plan did not define this task separately. The goal of the Task 14.2 of the Plan is to fight domestic violence and to protect victims of domestic violence. The 2016-2017 Action Plan activities for combating violence against women and domestic violence and protection of victims reflects most of the activities covered by the 2014-2015 Human Rights Action Plan, some of which were not implemented during the reporting period. For example, activity 14.2.2.3 was the creation and development of a crisis center for victims of domestic violence. The Crisis Center for victims of domestic violence was opened and began working on September 6, 2016. At the same time, despite the fact that the raising awareness on the negative consequences of early marriage was one of the activities of the 2014-2015 Action Plan, the relevant activities were not implemented. It should also be noted that the formulation of activities is problematic. The period defined by the plan - two years, is not sufficient for raising awareness.

The consideration of the gender aspects in the field of law and penitentiary is presented as a separate task in the 2014-2015 Action Plan, and in the 2016-2017 Plan, women’s rights are scattered in different chapters, including the rights of prisoner women (the fourth chapter of the plan).

Task 13.1.7 - Promoting women’s and men’s equal participation in political life

Promoting equal participation of men and women in political life was one of the activities of the 2014-2015 Plan. In the 2016-2017 Action Plan, the mentioned activity has been transferred as a task. These parts of both action plans (women’s involvement in politics) are fairly weak. The activities envisaged in the plan are not helpful for achieving actual results.

None of the plans contain a record of temporary measures that serve to accelerate women’s equal participation in political, economic, social and other fields. The activities are limited only by analysis and research. In addition, one of the tasks of the 2014-2015 Action Plan was to promote women’s participation in decision-making. According to the report on the implementation of the Action Plan, none of the activities that relate to the task were fulfilled. The activity on taking into consideration the principles of gender equality, during local administration reform, was not fulfilled either.

The 2016-2017 Human Rights Government Action Plan includes two new chapters. One refers to the Action Plan for 2016-2017 on the Measures to be implemented for Combating Violence against Women and Domestic Violence and Protection of Victims and the second - National Action Plan on implementation of UN Security Council resolutions "Women, Peace and Security" and concerns the specific difficulties that women living on the occupied territories and in IDP settlements, face. These chapters were not presented separately in the 2014-2015 Action Plan, and, therefore, fulfilling the resolutions of the United Nations Security Council N1325, 1820, 1888, 1889 and 1960 on "Women, Peace and Security" is one of the tasks of the Action Plan. It will be suitable for the 2016-2017 Human Rights Action Plan to include additional information on where the interested person can find the two new chapters of the plan, which are presented as separate plans.²⁹⁸

²⁹⁸ Action Plan for 2016-2017 on the Measures to be implemented for Combating Violence against Women and Domestic Violence and Protection of Victims and National Action Plan on implementing UN Security Council resolutions on *Women, Peace and Security*.

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