1. **Please explain how your organization or institution defines homelessness in various contexts, for example, when measuring the extent of homelessness or conducting research about it, or preparing proposals and advocacy projects. Please explain why the definition was chosen. Do these definitions differ from those used by your government? Please provide any available data on the extent of homelessness in general and among particular groups in your country and identify any limitations to this data.**

When discussing homelessness at various forums, the Public Defender defines three groups:

**1st category - Roofless persons:** they lack either permanent or temporary housing and spend nights, together with their belongings, on the street, or in parks, entrance halls of residential buildings, or any other places;

**2nd category – Persons without permanent housing or secure living conditions:** they move from one living place to another (for example: to relatives, friends, specialized facilities) because of lack of permanent housing, or face homelessness as a result of eviction from the places where they have intruded, etc.;

**3rd category – Persons without minimum-basic living conditions:** they are provided withhousing, though lack minimum conditions that are necessary to live with dignity.

The abovementioned definitions of homelessness are based on article 11 of the Covenant on Economic, Social and Cultural Rights, the General Comments on the UN Committee on Economic, Social and Cultural Rights and the Periodic Reports of the UN Special Rapporteur on Adequate Housing. When talking about the issue of homelessness, the Public Defender of Georgia does not interpret the right to housing in a narrow or restrictive sense which equates it with the shelter provided by merely having a roof over one's head.  The right should be seen as the right to live somewhere in security, peace and dignity[[1]](#footnote-1).

On 29 December 2006 Georgia adopted the Law on Social Assistance, the article 4 of which defines a homeless person as “a person without permanent, definite housing, which is registered in the local self-governmental agency as homeless”. However, this definition is not clear enough. Ambiguity and unpredictability of this provision are shared by the local authorities too. Moreover, local self-governmental bodies refuse to register homeless persons due to the abovementioned problem. Unified database of homeless persons does not exist, as local governmental agencies do not provide local statistical data on homelessness to the Social Service Agency of the Ministry of Labour, Health and Social Affairs. So, the existing definition of a homeless person is not realized in practice and statistical information does not exist about the scales of homelessness in the country.

On 7 February 2014 the Government of Georgia adopted decree No 131 on Technical Rules on Ratification of Minimum Standards of Temporary Shelters for Homeless Persons. Pursuant to the standards defined by the decree, a shelter arranged in a steady building will be opened by the end of 2015. After the mentioned act took effect, the notion of a homeless person emerged in the national legal space, which is defined as the following: “A person, who does not have a roof over his /her head; lacks permanent housing, legal income or real estate registered under his name; or a person who at present time is on the street and his/her life is at risk”. Therefore, only persons of the first category can be regarded as recipients of a shelter service. In order to identify other cases of homelessness, given the wide definition of the homelessness, the Government has to develop a unified strategy and systemic approach.

1. **What population groups are most affected by homelessness in your country/ in your organization’s area of work? Please provide any information you have about the extent or experiences of homelessness among particular groups such as children and youth, women, indigenous peoples, persons with disabilities, and others. If relevant studies exist please indicate or share a link, a reference or a copy.**

As it was mentioned above, unified or local database of homeless persons does not exist and therefore, the Public Defender does not have information about which groups suffer from problems related to adequate housing most of all. As for the practical experience of the Public Defender’s Office, the variety of homeless persons is large and includes older persons, persons with disabilities, families with children, etc.

1. **In your organization’s view, what are the primary systemic and structural causes of homelessness? How is your organization addressing these and how should these be addressed by Governments?**

The need for identification of the main causes of homelessness in the country was reviewed in the Public Defender’s special report (2015) on the right to adequate housing. The Public Defender considers that it is necessary to change the definition of homelessness and to create local and unified databases, which will make it possible to identify the causes of homelessness and to plan preventive steps. Before that, it is difficult to formulate substantiated view about the causes of homelessness in the state.

1. **Please provide any information available about discrimination and stigmatization of people who are homeless, including laws or policies that may be used to remove homeless persons from public spaces or to prohibit activities in public spaces such as sleeping, camping, eating, sitting, or asking for money. Please explain whether such discrimination is prohibited by law at national and/or local levels and describe any initiatives being taken or proposed to address this problem.**

The Public Defender of Georgia has identified two cases of discrimination against homeless persons. The first case was related to the enrollment of roofless homeless persons in the country’s major social program. The state program for socially vulnerable families represents the country’s major social program, as it combines both central and local governments’ social assistance packages. However, the shortcoming of this program is that it is impossible for the homeless people to enroll in it. In particular, a person who wants to become a beneficiary of the program must constantly live at a separated place where his social-economic conditions can be evaluated[[2]](#footnote-2). Therefore, the hardest category of homeless persons – roofless persons, who spend nights on the street or in parks, entrance halls of residential buildings, and other unfixed places, cannot enjoy the abovementioned state program, which leads to their social marginalization and indirect discrimination.

The second case was related to the enrollment of persons/families who have intruded into state facilities in the abovementioned program. Pursuant to the amendment made to the regulatory act of the state program for socially vulnerable families in 2013, the applications of persons/families on enrollment in the state program for socially vulnerable families shall not be considered if they have arbitrarily occupied state buildings[[3]](#footnote-3). However, it is noteworthy that according to the statistical data and the expertise of the Public Defender’s Office, many of these persons had repeatedly applied to relevant agencies for providing them with shelters before committing the illegal acts, though their requests had not been satisfied either due to lack of housing fund or financial resources. This issue was reviewed by the Public Defender in his parliamentary and special reports in 2015. In addition, he provided relevant agencies with recommendations. In particular, he recommended amendments to the state program for socially vulnerable persons, which would enable enrollment of roofless persons in the state program and would invalidate the restrictive provision for persons who have intruded into state buildings. The Public Defender’s recommendations have not been implemented so far. Currently, the Public Defender is considering the opportunity of addressing the Constitutional Court of Georgia with regard to the mentioned issues.

1. **Please indicate if you know whether homelessness has been recognized as a human rights violation by courts, by national human rights institutions in your country/ in the area of your expertise, and if so, on the basis of which human rights (for example: right to adequate housing, right to life, etc.) Provide information on any initiatives being taken by your organization or others to address homelessness using an explicit human rights framework.**

According to the information available for the Public Defender, common courts have never held that human rights were violated on the grounds of homelessness. As for the Public Defender's Office, we have repeatedly identified the facts of violation of the right to adequate housing. In similar cases, the Public Defender provides recommendations to competent state agencies and requests them to fulfill their obligations and ensure realization of the right to adequate housing.

1. **Please provide information on how your organization has used or intends to use administrative procedures to challenge homelessness as a violation of human rights?**

The challenges of homelessness in the country are the subject of utmost interest for the Public Defender. Given the urgency of the issue, the Public Defender has devoted certain chapters of his annual reports to the right to adequate housing for the last 4 years[[4]](#footnote-4). In 2015 the Public Defender published a special report[[5]](#footnote-5), in which he in detail discussed the problems existed in the law and in practice, and evaluated the state policy for the realization of the mentioned right. The Public Defender provided a number of recommendations to state agencies, implementation of which are necessary for full realization of the state obligation concerning the right to adequate housing.

1. **Please provide information about any proposed or existing strategies or legislation that your organization or institution might be familiar with aimed at reducing or eliminating homelessness. Explain any goals or timelines that have been adopted for this purpose, describe how progress has been monitored, describe how those affected by homelessness have been involved and provide information on results to date. Does your institution/organization have any suggestions for how existing or proposed strategies could be improved?**

On 30 April 2014 the Parliament of Georgia passed a resolution on ratification of the Human Rights National Strategy for 2014 - 2020. One of the goals of the strategy is fulfillment of the state obligation for the right to adequate housing and solution of the problems related to homelessness. Despite the fact that the strategy provides for specific tasks in this direction, the Government's Human Rights National Action Plan for 2014-2015 does not include specific measures needed to achieve the goals set in the strategy.

As far as we are aware, the Ministry of Labour, Health and Social Affairs is currently working on a national strategy to address the problem of homelessness. A representative of the Public Defender’s Office has taken part in the meetings dedicated to the development of the strategy. As for the current documents, they include tasks that must be fulfilled by the Government in order to gradually eliminate homelessness. For this purpose, the draft strategy includes 3 main tasks: to prevent homelessness; to administer effective assistance, oriented to the needs, for the identified person; to activate support programs for shelter beneficiaries which will enable them to leave the shelter. As far as the Public Defender’s Office is informed, the mentioned document has not yet been approved.

1. **Committee on Economic, Social and Cultural Rights, General Comment 4,** 1991, Para. 7. [↑](#footnote-ref-1)
2. Decree No 126 of the Government of Georgia, article 2, para. b, 24 April, 2010. [↑](#footnote-ref-2)
3. Id, article 5, para. 5. [↑](#footnote-ref-3)
4. http://www.ombudsman.ge/en/reports/saparlamento-angarishebi [↑](#footnote-ref-4)
5. http://www.ombudsman.ge/en/reports/specialuri-angarishebi/the-right-to-adequate-housing-special-report.page [↑](#footnote-ref-5)