**Submission made by the Office of the Public Defender (Ombudsman) of Georgia (PDO) for the thematic study on Human Rights Council resolution 54/6 on the centrality of care and support from a human rights perspective.**

In the following submission answers are provided regarding the issues related to older persons, children, persons with disabilities and women. Information is segregated in accordance with these categories.

**Older persons**

There are four types of institutions of older person care in Georgia. Also, the home care service is functioning supported by local governments. There is no special legislation relating to the human rights of caregivers. In practice, there are challenges regarding the labor rights of the workers of such institutions. There are special regulations related to the labor rights, inter alia, regarding minimum wage and working hours, of the medical staff, however, the regulations do not cover the staff of long-term care facilities. That’s why, in practice, it's hard to determine the condition of the rights of caregivers. Also, it is worth noting that during the monitoring of such facilities, Public Defender's representatives identified several violations of working conditions of employees.

The human rights of care recipients are established under the "minimum standards of services for persons with disabilities and the elderly in 24- hour specialized institutions". The regulation does not cover residential institutions supported by local self-governments, and facilities supported through private financing. Therefore, in such institutions, the requirements determined by international and national regulations, including the approved minimum standards, are not fulfilled properly. During the monitoring by PDO, a lot of challenges and violations of older persons' rights were identified, such as poor hygiene and sanitation, inability to receive quality healthcare services; not enough remedies for protection from discrimination and violence of beneficiaries, etc.

The only mechanism supporting self-care of older persons is regulated under the abovementioned standards. However, the rights to social security and social protection are recognized in several legal provisions, such as the Law of Georgia on State Pensions, the Law of Georgia on Social Assistance, the Law of Georgia on Funded Pensions, and the 2024-2026 action plan of the state policy on ageing in Georgia, the last one also includes the supporting of labor rights and employment of older persons. However, the majority of older people in Georgia do not have access to adequate housing, social services, and protection mechanisms. As a result, they live below the poverty line, lack shelter, and are at risk of isolation. The social guarantees offered by the state often fail to ensure even minimal standards of living for these individuals. The shortage of programs designed for them, and the measures implemented on a local level to ensure their well-being, do not satisfy the appropriate needs of the group. Georgia does not have separate legislation that guarantees the right of older persons to enjoy good health, although the right to healthcare is recognized by various legislative acts for everyone, including older persons.

At the national level, main challenge related to older persons is that there is no specific regulation covering the needs of older persons. Also, lack of private long-term care institutions for older people in the country, where the their rights are not subject to supervision and control by the state and no unified legal standards covering all kinds of caregiver institutions.

There are no measures takento**promote and ensure the rights of caregivers and recipients of care and support and the subjects are regulated under the Governmental and municipal general programs. Several years ago, the process of the deinstitutionalization of large facilities started. The process still continues, and the end date is not yet known.**

Older persons' poverty and social vulnerability are among the most pressing issues in the country. While in Georgia, some older individuals strive to maintain their independence and remain engaged in social activities, others face the risk of homelessness, poverty, and social isolation due to the lack of adequate services and protection mechanisms. Discrimination against older persons is based on various characteristics, such as gender, socioeconomic status, ethnic origin, and even health status.

The existing mechanisms for the protection of older individuals' rights fail to address modern-day challenges and meet international requirements. The state programs and services are insufficient and inadequate, and older individuals are often subjected to violence. Moreover, the existing state programs do not provide alternative care services for this category.

**Children**

According to the Child's Rights Code, adopted by the Parliament of Georgia in 2019, alternative care refers to the provision of care services by the state for a child left without parental care. Such care is tailored to meet the individual needs of the child and primarily considers the child’s best interests, encompassing their life, healthy development, right to be heard, participation, and other rights and freedoms. Additionally, the system includes residential care as one of the forms of alternative care, utilized for the shortest possible time in extreme cases when the child cannot be placed in foster care or adopted. The Child's Rights Code specifies that placing a child in alternative care is an extreme measure. Its primary objective should be to facilitate the child's return to the family, and in instances where this is not possible, to ensure continuous care for the child, particularly through adoption. If adoption is deemed not in the child's best interests, the state is responsible for placing them in foster care. The rules and conditions governing child adoption and foster care are established by the Law of Georgia "On Adoption and Foster Care."

Additionally, within the framework of the state program of social rehabilitation and childcare, aimed at preventing the separation of children from their families, various initiatives are implemented to support vulnerable children. For instance, day care centers and shelters for homeless children, alongside shelters for mothers and children. The Sub-Program for Homeless Children is a crucial aspect of this initiative, specifically targeting the needs of homeless children. It focuses on preventing abandonment or separation from families, promoting psychosocial rehabilitation, and providing safe housing, as outlined in the Child's Rights Code. This program employs mobile units staffed with professionals like psychologists and peer-educators to assess needs, offer counseling, and provide essential services. Day care centers play a vital role in ensuring daily necessities, medical care, education, and skill development. Shelters offer comprehensive care, including crisis intervention, education, and vocational guidance, all aimed at reintegrating children into stable environments while safeguarding their rights and well-being.

The Sub-Program for Mothers and Children serves as a pivotal family and child support measure, dedicated to preventing child abandonment and strengthening biological families. This program provides 24-hour shelter in a secure environment, along with essential items like food, clothing, and personal hygiene products, while also promoting education and organizing necessary medical services. Individualized service plans are developed within 30 days of shelter placement, focusing on integration into educational and social systems, personal development, and conflict resolution skills. Targeting mothers facing various challenges with minor children and pregnant women, this sub-program offers essential support to those children at risk of abandonment or institutional placement.

Any form of alternative care and support services must comply with the best interests of the child and standards established by the Constitution of Georgia, the Convention on the Rights of the Child, its additional protocols, and other international treaties, as well as the requirements of the Child's Rights Code. Children should be fully integrated into the unified state systems of education, health, and social protection, and should have the same access to justice as other children. Any form of violence against children, including corporal punishment is prohibited.

Providing children with rehabilitation services and an adequate number of specialists in supporting professions presents a severe challenge, significantly impacting children’s well-being. Addressing the diverse vulnerabilities and needs of children requires an increase in qualified social workers. For instance, in the guardianship body, there was a decrease in employed specialists compared to 2022, with only 255 social workers and 19 psychologists nationwide by the end of 2023. Despite efforts, the existing central and municipal targeted social protection programs struggle to fully meet the needs of children and their families, especially in challenging socio-economic conditions. The employment of qualified caregivers faces obstacles due to insufficient resources, including salary, exacerbating these challenges. Efforts must focus on developing the skills of parents, caregivers, and effective management of social work to support families and ensure their independence.

Persistent issues in small family homes, such as physical and psycho-emotional dangers, challenges in protecting against violence, and neglect of children's needs, underscore the urgency of improving supportive and rehabilitative services. Accessibility to such services, particularly for children with challenging behaviors and mental health issues, remains limited. Children often lack information about their rights and protection mechanisms. Specialists working with children, educators, and caregivers require continuous training on child rights, protection mechanisms, and positive upbringing methods. The scarcity of material and administrative resources, including meeting basic needs like food and personal items, remains a significant challenge. Additionally, preparing mothers enrolled in services for the next stage of life, including education, employment, and economic independence, is hindered by a lack of support resources, impacting the effectiveness of shelters in preventing family separation and strengthening biological families.

The provision of shelter services for homeless children faces crucial challenges, including ensuring safety, preventing violence, providing suitable services for children in conflict with the law, and facilitating rehabilitation. Overcoming substance addiction among minors and providing targeted assistance to children with mental health needs are also vital aspects of service provision.

In conclusion, challenges such as the shortage of qualified professionals, resource constraints, and gaps in service accessibility remain significant hurdles to overcome. Addressing these challenges requires a comprehensive approach involving government agencies, civil society organizations, and communities working together to strengthen support systems and ensure the rights and welfare of all children.

When considering statistics on alternative and residential care, as well as supportive services,[[1]](#footnote-1) it's important to note that 37 small family-type homes operate in Georgia, including 4 specialized ones for children with severe disabilities or health issues, as well as Tbilisi Infant’s Home, JSC "Self-governing City-Foti Children's Center," and Ninotsminda boarding school under the Patriarchate of Georgia. In 2023, there were 1,721 children under state care, out of which 1,355 were living in foster families, 261 children resided in small family-type homes, and 9 were beneficiaries[[2]](#footnote-2) in Ninotsminda boarding school. Despite deinstitutionalization of this large institution, one minor remains in the educational institution of the foundation named after St. Matata the Apostle. In total, 112 children were placed under the state care (Small group homes, Foster Care), while 18 returned to their biological families from foster care, and 34 returned from small family-type homes. Overall, 478 children benefited from the reintegration sub-program. According to state data, reasons for child-parent separation mainly include parental violence and neglect (83%), child behavioral issues (15.4%), parental abandonment (1.2%), and child or parental health issues (0.4%). As of December 2023, 7 mothers and children's shelters were operational across the country, accommodating 39 mothers, including 6 under 18 years old, with their 34 children. In 2022, 75 people were enrolled in shelters. Within the sub-program for providing shelter to homeless children, services were provided to 261 children in 2023, with 168 benefiting from day care centers and 93 from 24-hour shelters. Moreover, 65 children were enrolled in the service, with 15 placed in state care, particularly in small family-type homes, due to the program.

**Persons with Disabilities**

Georgia has ratified UN CRPD in 2014, taking the obligation to implement it. After ratification, during the amendment process of the Constitution of Georgia, new regulation was added stipulating state’s new obligation: “The State shall create special conditions for persons with disabilities to exercise their rights and interests.”[[3]](#footnote-3) This creates additional mechanism for Persons with Disabilities (hereinafter PWDs) to appeal to constitutional courts as well when necessary measures are not taken. Despite very positive and important step taken by government towards harmonization of legislation with the UN CRPD and adoption of the Law of Georgia on the Rights of Persons with Disabilities, in some cases legislation does not provide timely and clear solution of number of systemic issues (Among them: community-based services, proper social protection, housing, legal capacity and etc..).[[4]](#footnote-4) The law does not explicitly mention theneed of care and specifics or rights of caregivers or persons receiving care.

Legislation is more specific about support appointed to persons declared as support recipients. In 2015, the Parliament of Georgia adopted a package of legislative amendments aiming at establishing an institution for rendering support in decision-making process, contrary to the plenary guardianship. The assessment of a person’s psychosocial needs and the appointment of a supporter take place under the civil procedure legislation.[[5]](#footnote-5) The legal, economic, and organizational basis for carrying out a mandatory examination for the recognition as a person in psychosocial need is determined by the Law on “Carrying out of the Forensic Examination due to Psychosocial Needs”.[[6]](#footnote-6)

The legislative reality after the legal capacity reform mostly considers the individual needs of persons with psycho-social needs and, apart from few exceptions, is in line with UN CRPD requirements. However, the practice of implementing the reform is inconsistent with the requirements of Article 12 of the UN CRPD. Two monitoring of the legal capacity system[[7]](#footnote-7) were carried out by the Public Defender of Georgia in different periods of time, which revealed a number of administrative and practical barriers. The legislation provides blanket restriction on the support recipient’s right to be a supporter of another person in the field where he/she does not need support. It defines blanket obligation that all support recipients must sign marriage contracts regardless of whether it is provided by the court judgment or not. The legislation provides for blanket deprivation of some of the rights of support recipients without individual and judicial evaluations, such as the right to hold position in public service[[8]](#footnote-8). Despite the fact that the norms defining the rights to appeal to court and to participate in the court proceedings, there is a problem of vague regulation and procedure is not clearly defined.

Legal capacity reform is not reflected in any relevant state policy and action plans, which is the reason for the failure of its implementation. Another main obstacle to the implementation of the support model is the absence of an independent service necessary for the field. In practice, the support of a person is mainly limited to care, nutrition, and hygiene assistance and is not focused on the promotion of independence and autonomy of the support recipient.[[9]](#footnote-9) Since there is no service providing support (professional paid supporters), in the majority of cases, family members are appointed as supporters, who are not even trained on the specifics of support and perform their duties free, deprived from opportunity to work and be realized. Despite quite rich legislation on legal capacity, supporters’ rights are not properly envisaged. Mainly they have only duties and the right to refuse to carry out their duties.

There is no unified policy on providing care in the country. Regulative documents mostly are addressing human rights of persons under State care, covering mostly large or medium institutions for persons with disabilities and older persons. Even there, Rights of caregivers are not properly regulated, and they are mainly subject of general labor regulations. The same is in case of fragmented programs, targeted to care of persons with disabilities existing in the country. There has been a standard, approved on home care Services, and there are several state programs providing care, but their geographical coverage is unsatisfactory and program limits are to low providing very low number of beneficiaries with relevant service.

Social Rehabilitations and childcare program, which is annually approved by the Government includes programs that are targeted to persons/children with disabilities, although the quality of individual services and the lack of beneficiaries involved remain a challenge. Geographical coverage of subprograms is also a challenge. [[10]](#footnote-10)

In the latest program of social rehabilitation and childcare[[11]](#footnote-11) there are number of subprograms addressing PWDs needs for care, but all of them have limits, are not geographically available and address minimal number of people in need. E.g. persons with mental health problems are excluded from a sub program for provision of home care services for those who do not live under state care large or alternative institutions, and it cannot cover more than 400 beneficiaries countrywide; subprogram for homecare of children with disabilities for severe and profound (physical/intellectual/mental) developmental delays is limited to 130 beneficiaries overall; subprogram for children with mental health problems who due to their condition cannot be engaged in the school or day care services is limited to 40 beneficiaries only; the component of providing an assistant in an apartment for adults with disabilities provides service for only five beneficiaries. It is noteworthy that limitations are not based on needs analysis and are mainly caused by shortage of funds or professionals leaving behind majority of people needing such care.

The protection of the rights of women and girls with disabilities, at the policy level, is not a priority. The state does not have a systemic vision of how to improve the protection of the rights of women and girls with disabilities in all areas of life. Legislation in the country today, as well as the state policy documents and programs, have little recognition of the needs of women and girls with disabilities in the areas of sexual and reproductive health and rights.[[12]](#footnote-12)

**Women**

Stereotypical views on gender roles and norms are still rooted in Georgia. The burden of care lies mainly on women, which prevents women's access to education and employment. According to a 2023 national survey published by UN Women, 59.9% of women and 74.7% of men still believe that a woman's most important role is to take care of the family. These attitudes further prove the unequal burden of housework and family care for women.[[13]](#footnote-13)

The share of time spent by women on unpaid care and family activities is high, which amounts to 17.8% and is 4.8 times higher than the corresponding indicator of men (3.7%). The statistics on the use of paid leave by men in the public service for childcare or adoption is still low – only 5 cases in 2022 and 16 cases in 2023.

Women living in different municipalities of Georgia named care-related work as one of the important barriers to accessing the formal labor market. While women are unable to share the care responsibilities with men and there is a lack of care or support services at the central or municipal levels, women face significant barriers to employment.

The burden of domestic work and home care is also noteworthy to mothers with many children and/or single mothers, as well as parents of disabled children. As women reported, their socio-economic vulnerability is high, nevertheless, support services are non-existent or scarce. In this situation, it is difficult for them to get any kind of employment, which makes their social situation even worse.[[14]](#footnote-14)

Most of the staff members of shelters and crisis centers for the victims of violence are women. Working with victims of violence and survivors is hard and needs specific attitudes, skills, and psychological readiness. According to the information obtained during the monitoring of the shelters and crisis centers, a psychologist helps the employees in the direction of professional burnout, but this does not have an official form. Along with this, the employees emphasized the need for external joint meetings with other regional staff. Such kinds of meetings will help them. It should be noted that a large number of employees identified low salaries as a challenge.

1. Letters of the LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking,Reference Numbers: SCA 024 00154746, dated 08/02/2024, NSCA 8 24 00165535, 12/02/2024. [↑](#footnote-ref-1)
2. Further forms of care for the beneficiaries have not yet been determined, and this process is prolonged. [↑](#footnote-ref-2)
3. Constitution of Georgia. Article 11 (4). Available at: <https://matsne.gov.ge/en/document/view/30346?publication=36> [↑](#footnote-ref-3)
4. Public Defender’s Statement on the Law of Georgia on the Rights of Persons with Disabilities 16 July, 2020. Available: <https://ombudsman.ge/eng/190308061724siakhleebi/sakhalkho-damtsvelis-gantskhadeba-shezghuduli-shesadzleblobis-mkone-pirta-uflebebis-shesakheb-sakartvelos-kanontan-dakavshirebit> [↑](#footnote-ref-4)
5. Civil procedural Code of Georgia. Available at: <https://matsne.gov.ge/en/document/view/29962?publication=163> [↑](#footnote-ref-5)
6. The Law of Georgia on the expertise due to the psychosocial need. Avaliable at: <https://matsne.gov.ge/en/document/view/2788241?publication=0> [↑](#footnote-ref-6)
7. Special Report of the Public Defender of Georgia “Legal Capacity – Legislative Reform without Implementation”, 2016 (Only Word document available in English) and later, Special Report of the Public Defender of Georgia “Role of Guardianship and Care Authority in Implementation of Capacity Reform”. 2023. Available only in Georgian: <https://ombudsman.ge/geo/190308061623angarishebi/kvlevis-prezentatsia-meurveobisa-da-mzrunvelobis-organos-roli-kmedunarianobis-reformis-gankhortsielebis-protsesshi> [↑](#footnote-ref-7)
8. The Law of Georgia “On Public Service”, Art. 20, 27 and 107. Available here: <https://matsne.gov.ge/en/document/view/3031098?publication=35> [↑](#footnote-ref-8)
9. Parliamentary report of the public defender of Georgia 2022. Page 199. Available: <https://www.ombudsman.ge/res/docs/2023120411211781277.pdf> The Special Report od he Public Defender of Georgia “Role of Guardianship and Care Authority in Implementation of Capacity Reform” . available only in Georgian: <https://www.ombudsman.ge/eng/190308061623angarishebi/kvlevis-prezentatsia-meurveobisa-da-mzrunvelobis-organos-roli-kmedunarianobis-reformis-gankhortsielebis-protsesshi> [↑](#footnote-ref-9)
10. Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia2020, pg. 296-297. Available at: <https://www.ombudsman.ge/res/docs/2021070814020446986.pdf> [↑](#footnote-ref-10)
11. Available only in Georgian: <https://matsne.gov.ge/ka/document/view/6060396?publication=0> [↑](#footnote-ref-11)
12. Special report of Public Defender of Georgia – Assessment of the Needs of Women and Girls with Disabilities and the State of Protection of Their Rights in Georgia 2022. Available at: <https://www.ombudsman.ge/res/docs/2022032913195226234.pdf> [↑](#footnote-ref-12)
13. National study on violence against women in Georgia. Available at: <https://georgia.unwomen.org/sites/default/files/2023-12/updated_vaw_eng_web4-2.pdf> [↑](#footnote-ref-13)
14. Evaluation of gender equality policies of municipalities. Available at: <https://ombudsman.ge/res/docs/2023041823365383262.pdf> [↑](#footnote-ref-14)