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**Input for the Thematic Report on Ageism and Age Discrimination of UN Independent Expert on the human rights of older persons**

**Submitted by**

**The National Human Rights Institution – Public Defender
(Ombudsperson) of Georgia**

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**Forms and manifestations of ageism and age-discrimination**

*1. What forms does age discrimination affecting older persons take and which ones are the most prevalent? Where available, please provide concrete examples and collected data including in employment, education, social protection, and health, financial and social services.*

N/A

*2. Please provide information and data collected about the causes and manifestations of ageism in society, both for younger and older generations, and how it translates into discriminatory practices.*

N/A

*3. From an intersectional perspective, are there specific factors that aggravate ageism and age discrimination and how? Please provide concrete examples and collected data where available.*

N/A

**Legal, policy and institutional frameworks related to ageism and age-discrimination**

*4. What international, regional and national legal instruments are in place to combat ageism and age-discrimination?*

By signing the Association Agreement with the European Union in 2014, Georgia undertook the obligation of gradual approximation with the EU legislation. One of the commitments implemented by Georgia was the adoption of the “The Law on the Elimination of All Forms of Discrimination” (Anti-Discrimination Law) on 2 May 2014. The Anti-Discrimination Law entered into force on 7 May 2014.[[1]](#footnote-1) Since 2014, The Public Defender (Ombudsperson) of Georgia is explicitly authorized to receive and handle complaints, as well as proactively start an investigation of the case on its own initiative, about alleged discrimination cases.

Pursuant to the Article 9(3) of the Anti-Discrimination Law, if a fact of discrimination is confirmed as a result of the examination of a complaint by the Public Defender and if the consequences of discrimination are not eliminated, the Public Defender concludes the proceedings with a recommendation regarding measures to be performed to restore infringed equality.

*5. Please also note any action plans or policies to raise awareness and combat ageism (including antiageism in school curricula) and to move toward a more age-friendly and inclusive society.*

N/A

*6. At the national level, please outline the legal protections available against age discrimination and indicate whether age is explicitly recognised as a ground for discrimination? If so, are there specific areas for which equality is explicitly guaranteed? Are there any areas where differential treatment based on older age is explicitly justified?*

According to the Article 1 of the Anti-Discrimination Law, the aim of this law is to eliminate all forms of discrimination and to ensure equal rights of every natural and legal person under the legislation of Georgia, irrespective of race, skin colour, language, sex, ***age,*** citizenship, origin, place of birth or residence, property or social status, religion or belief, national, ethnic or social origin, profession, marital status, health, disability, sexual orientation, gender identity and expression, political or other opinions, or other characteristics. Accordingly, age is explicitly recognized as a ground for discrimination under the Georgian legislation.

The anti-discrimination mandate covers all alleged facts of discrimination perpetrated by public authorities/bodies and private individuals/companies ***in all areas.***

*7. Do the existing legal protections against age discrimination allow for claims based on intersectional discrimination, that is discrimination which is based on the intersection of age and other characteristics such as race, ethnicity, gender, disability, sexual orientation or other status?*

Under the Anti-Discrimination Law ***multiple discrimination*** is discrimination based on the combination of two or more characteristics (article 2 par. 4). Therefore, claims on intersectional discrimination are allowed.

*8. What legal and other measures have been taken to address and protect from racism, sexism, ableism or other similar forms of discrimination that might be useful models for addressing ageism?*

N/A

*9. Please indicate if there are institutional or complaints mechanism to address inequalities or grievances related to ageism and age discrimination. If so, please provide statistics on cases and types of cases received?*

As mentioned above the Public Defender (Ombudsperson) of Georgia examines the applications/complaints of natural and legal persons or groups of persons, who consider themselves to be victims of discrimination. In 2020 113 alleged cases of discrimination were examined by the Office of Public Defender (Ombudsperson) of Georgia (PDO). 6% of applicants argued about discrimination based on age.

It is noteworthy that the Constitutional Court of Georgia ruled that the dismissal of the court security officer after the latter turned 50 was discriminatory. According to the Court, 50 years should not have been regarded as an age at which the physical condition of a person becomes inevitably worse.

In another case, the Constitutional Court of Georgia declared the prohibition of the election of persons aged over 70 to administrative positions at the Academy of Sciences discriminatory. According to the Court, it is important to protect vulnerable groups, including older persons, against discrimination and stigmatization. The fact that ageing results in the weakening of one's physical endurance and certain abilities in general, cannot serve as a self-sufficient ground for imposing blanket age-related limits.

Measures taken by the Georgian government against the elderly during the New Coronavirus pandemic were also problematic. Article 51 of the Ordinance No 181 of Government of Georgia "On the Approval of Measures to be implemented in connection with the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia" stated that:

1. Persons aged 70 and over shall be prohibited from leaving their actual/registered place of residence. The Ministry of Economy and Sustainable Development of Georgia, the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia and the municipalities shall be assigned, if necessary, to organise the provision of such persons with essentials.

2. The prohibition provided for by paragraph 1 of this article shall not apply to a person leaving his/her place of residence for the purpose of receiving the medical services which he/she cannot receive at his/her place of residence, as well as leaving his/her place of residence for the purpose of purchasing food and medical/pharmaceutical products.

To sum up elderly people (aged 70 and over) were entitled to leave their place of residence for the purpose of purchasing food and medical products or for the purpose of receiving medical services. In this case, the Georgian government only considered age as an indicator of assessing the health status of the elderly and did not take into account the fact that even in cases where age is statistically associated with a higher morbidity rate, the individual conditions of elderly people may differ a lot from the current tendency and that only age could be the wrong indicator.

The problems of older persons in social security were obvious in 2019. Particularly, the travel insurance policy of one of the insurance companies' was discriminatory, which, in addition to vaguely referring to older people's insurance, explicitly excluded the travel insurance for people over 70 years of age in practice. In 2019, the Public Defender (Ombudsperson) of Georgia found age discrimination against an insurance company, as the company refused to grant travel insurance to particular persons (born in 1937 and 1943).[[2]](#footnote-2)

According to the company, they acted in accordance with the internal policy, which sets 70 years as grounds for refusing a person to provide service, and no individual health condition has been assessed. The Public Defender (Ombudsperson) considered that it is unjustified to set an age limit, beyond which a person is denied travel insurance. The Public Defender (Ombudsperson) indicated in her recommendation that the written explanation provided to the applicants is based on stereotypes about older people. In addition, a similar blanket approach of insurance companies may make it impossible for older persons to have access to travel insurance, which may be seen as interference with the right to freedom of movement.

The recommendation also indicated that age-related different treatment may be based on rational factors and serve social, economic objectives. However, it may also be based on generalized conclusions and stereotypes. Both young and old people may become victims of age-related stereotypes. These assumptions and conclusions are often misleading and fail to reflect the diversity of individuals. Age discrimination also has negative social consequences, such as the disintegration of older people from the community and lack of access to basic services and products.

In view of the above, the Public Defender (Ombudsperson) recommended the insurance company to describe the restrictions on service delivery in detail in internal documents; not to set age limit for providing services and to justify the refusal to provide services in each individual case in written form.

It is noteworthy that following the recommendation of the Public Defender (Ombudsperson) the restriction was abolished by the insurance company.

In 2016 the Public Defender (Ombudsperson) made a public statement and responded to pre-election advertising of the “New Political Center – Cone”.[[3]](#footnote-3) According to the content of the advertising, it is important for young voters to take part in elections, as earlier election programs of other political parties had been adjusted to the interests of older people, which is the unpopular choice for the country.

The Public Defender (Ombudsperson) has also considered that such attitude promotes the strengthening of stereotypical attitudes towards older people, which are frequently suffering from unequal treatment. This approach encourages negative stereotypes with regard to the participation of older people in public life and creates a danger that in the future they will be subjected to discrimination due to their age in various fields.

The Public Defender thinks it is necessary to prevent the use of the kind of methods in the pre-election campaign that encourage discriminatory treatment of certain groups. Accordingly, the Public Defender (Ombudsperson) called on the “New Political Center – Cone” to remove the advertising containing stereotypes from the Internet.

**Reports related to ageism and age discrimination and other relevant information**

*10. Please outline any other areas that you deem important in the context of ageism and age discrimination. Thank you for sharing any relevant reports about ageism and age discrimination.*

N/A

1. <https://matsne.gov.ge/en/document/view/2339687?publication=0> [↑](#footnote-ref-1)
2. <https://bit.ly/3qvLxgf> [↑](#footnote-ref-2)
3. <https://bit.ly/3asS5qD> [↑](#footnote-ref-3)