



№ 49/20740

The Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and in response to the letter of the Special Rapporteur on the right to adequate housing dated on 13 April, 2017 concerning the thematic report on the right to adequate housing of persons with disabilities has the honour to convey the response of the Government of Georgia.

The Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 4 June 2017

Office of the United Nations
High Commissioner for Human Rights
Geneva



Encl. 4 pages.

Questionnaire

The right to housing of persons with disabilities

1. Please explain how the right to housing of persons with disabilities is guaranteed in domestic law, including constitutional provisions and human rights legislation.

Law of Georgia "on Social Protection of Persons with Disabilities", dated 1995, defines the basis of state policy towards persons with disabilities and aims at equally ensuring realization of rights of persons with disabilities, create appropriate living conditions for them and their participation in economic and political life.

Based on the Organic Law of Georgia "Local Self-Governance Code" and the Law of Georgia on Social Aid, primary responsibility on providing housing to the population lies within local self-governing bodies.

With the purpose to meet the requirement stipulated by the Law and ensuring independent life for persons with disabilities, by the decree of the Government of Georgia, the Government annually adopts the "State Program on Social Rehabilitation and Child Care" envisaging sub-programs for community organizations and small family-type homes. This sub-program is a model of community-based services serving the purpose of developing necessary skills in persons with disabilities to ensure their independent life and their social integration. The goal of the small family-type homes sub-program for children with profound and severe disabilities is fulfilling the individual needs of children with disabilities and specialized care.

Governmental Action Plans on Human rights for 2016-2017 envisage measures to introduce principles of the Convention in the development of which persons with disabilities and representatives of international organizations working on issues of disability were actively involved.

3. Please provide data on the number of persons with disabilities living in residential institutions and relevant information on the progress towards developing or implementing deinstitutionalisation strategies to facilitate a sustained transition from institutions to community based living arrangements.

For continuing the process of deinstitutionalization and gradual closure of the child care institutions, in December of 2016 the first small family-type house was opened for children with severe disabilities (currently 7 children are there). Gradual development and strengthening of alternative care services such as foster care and small group homes will support process of closure of remaining 2 big state facilities for children (Tbilisi infant

house – 47 children, aged 0-10 and Kojori house for children with disabilities – 28 children aged 10-18).

This process will make it possible to complete the process of closure of large childcare facilities. Moreover, one of the chapters of the Governmental Action Plan on the Protection of Human Rights for the years of 2016-2017, lists the continuation of deinstitutionalization process as one of its priorities.

The Government annually adopts the “State Program on Social Rehabilitation and Child Care” envisaging sub-programs for community organizations and small family-type homes for children with disabilities. This sub-program is a model of community-based services serving the purpose of developing necessary skills in persons with disabilities to ensure their independent life and their social integration.

The objective of the “community organizations” sub-program is the creation of an environment similar to family for a target group, support their independent life and facilitate their social integration. The target groups of the program are persons with disabilities of the age 18 and above, also women (over 60) and men (over 65).

10 NGOs are registered as service provider of this subprogram for persons with disabilities. The number of beneficiaries was 127 each month during 2016 (1-6). 10 service provider organizations: Tbilisi -3, Signagi – 4, Kvareli – 1, Gurjaani -2.

Residential support

LEPL State Fund for Protection and Assistance of (statutory) victims of Human Trafficking operates 3 boarding houses – Dusheti, Martkopi and Dzevri for persons with disabilities. The state fund also runs two big state facilities (Tbilisi infant house – 47 children, aged 0-10 and Kojori house for children with disabilities – 28 children aged 10-18). As of 2016, in both of these facilities were accommodated 75 children with disabilities.

The main functions of the boarding houses are: social rehabilitation of beneficiaries; providing beneficiaries with 24-hour service, as well as first aid medical assistance and if necessary, organizing ambulatory and stationary medical service; supporting beneficiaries’ integration into society; creating adequate environment for beneficiaries to entertain and relax.

The boarding houses provide beneficiaries with 24-hour service. In addition, Dusheti and Martkopi boarding houses further support beneficiaries for the development of necessary skills to lead an independent life.

As of 2016, in Dusheti boarding house were accommodating 44 beneficiaries with disabilities, Martkopi boarding house hosted 27 and Dzevri - 65 beneficiaries respectively.

4. Please provide information on relevant legislation, policies or programmes that are intended to ensure equal access to and enjoyment of the right to adequate housing by persons with disabilities and provide an assessment of their effectiveness and shortcomings.

On April 30, 2014 the Parliament of Georgia adopted the National Strategy on Human Rights for 2014-2020. 15th section of the strategy focuses on the protection of persons with disabilities.

Governmental Action Plans on Human rights for 2016-2017 envisage measures to introduce principles of the Convention in the development of which persons with disabilities.

Based on the requirements and obligations under UN convention on the Rights of Persons with Disabilities, Georgian Government is working now on the elaboration of a new Law on the rights of persons with disabilities.

5. Please indicate what programmes, policies and strategies are in place to: i/ progressively close institutions; ii/ protect the human rights of people with disabilities still living in institutions; iii/ to ensure that persons with disabilities can challenge their placement in institutions; and iv/ to ensure that upon leaving institutions persons with disabilities can access adequate housing and support services in the community. Please also provide any information on policies or programs concerning reasonable accommodation and accessibility for persons with disabilities in relation to housing in both the formal and informal housing sectors. What measures have been taken to increase the number of “universally designed” flats or houses in communities?

“State Program on Social Rehabilitation and Child Care” mainly covers the above-mentioned issues.

The Government annually adopts the “State Program on Social Rehabilitation and Child Care” envisaging sub-programs for community organizations and small family-type homes for children with disabilities. This sub-program is a model of community-based services serving the purpose of developing necessary skills in persons with disabilities to ensure their independent life and their social integration.

Governmental Action Plans on Human rights for 2016-2017 envisage measures to introduce principles of the Convention in the development of which persons with disabilities

6. Please indicate what national and sub-national institutions are primarily responsible for overseeing compliance with the right to housing of persons with disabilities, such as the National Human Rights Institutions; an office on disability issues; an ombudsperson or commissioner.

For the purpose of observing the principles of the Convention, on October 27, 2014, at the 6th meeting of the State Coordination Council working on the issues of persons with disabilities, the state defined bodies responsible for the implementation of the Convention on a national level (focal point), coordination mechanism of the implementation process and independent mechanism for promotion, protection and monitoring of the implementation of the Convention. According to the minutes of the meeting, Coordination Council was defined as a body responsible for the implementation of the Convention. Human Rights Secretariat under the Administration of the Government was determined as a coordination mechanism for the implementation process of the Convention, while the Public Defender of Georgia was named as the monitoring mechanism.

7. Please explain whether and in what ways courts, national human rights bodies and/or independent monitoring mechanisms have recognized the right to housing of people with disabilities, including those who remain institutionalized. Please also indicate what judicial or other appropriate remedies have been required where violations have been identified and describe the extent to which these have been successfully implemented. Please provide links or documents relating to relevant jurisprudence.

Since 2015, in accordance with the structural amendments made in the Public Defender's Office, a Department of Protection of Rights of Persons with Disabilities is operating in the Office, which elaborated a Concept on the promotion, protection and monitoring of the Implementation of the Convention on the Rights of Persons with Disabilities.

The Public Defender submits a report to the Parliament of Georgia annually about the human rights situation in the country and also, provides recommendations to improve the conditions of persons with disabilities (including those who remain institutionalized).