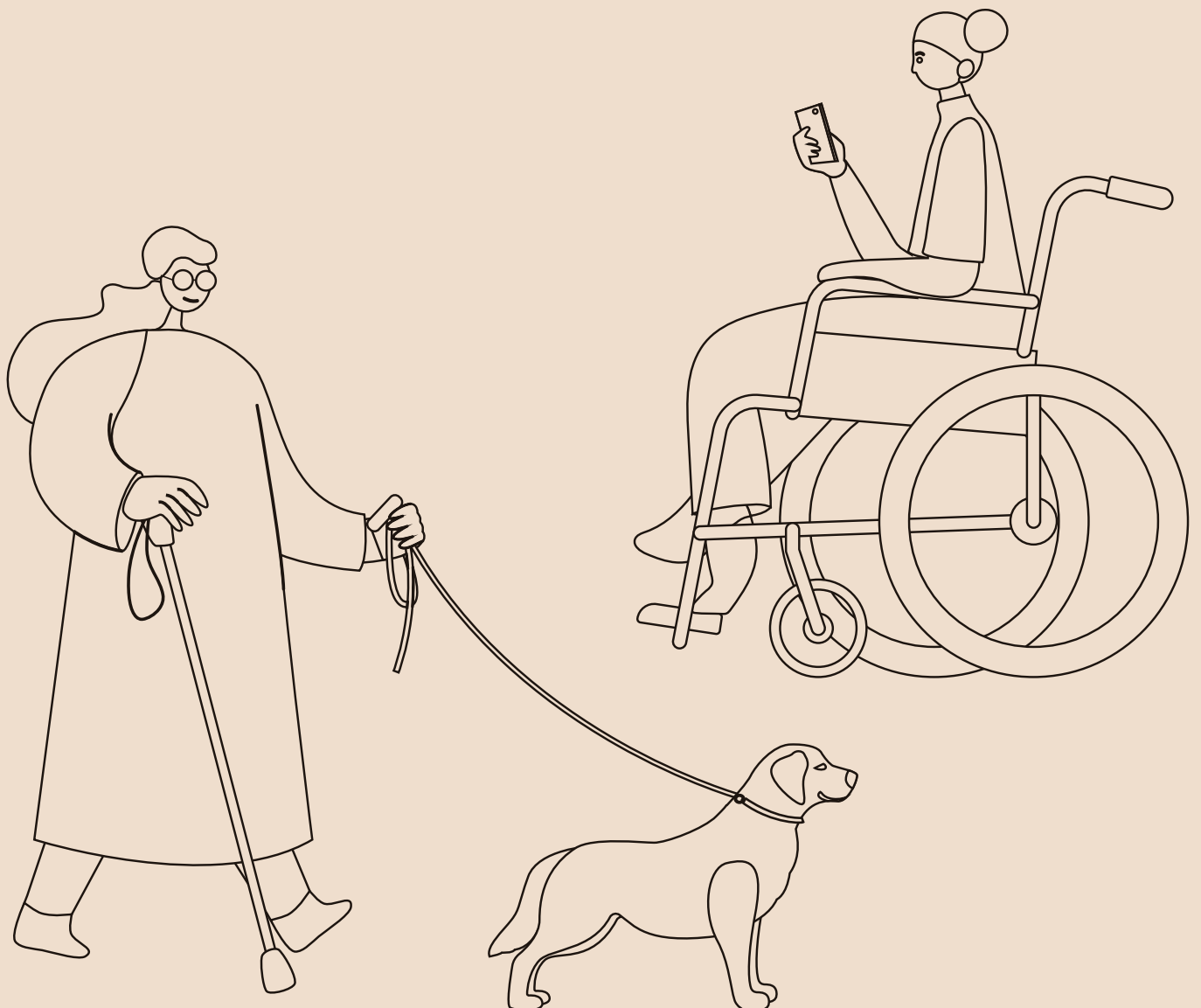




Norwegian Ministry  
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# ASSESSMENT OF THE NEEDS OF WOMEN AND GIRLS WITH DISABILITIES AND THE STATE OF PROTECTION OF THEIR RIGHTS IN GEORGIA



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# INTRODUCTION

Public Defender of Georgia, who plays an important role in improving the protection of the rights of persons with disabilities in the country is the national body that monitors the implementation of the UN Convention on the Rights of Persons with Disabilities. One of the priority issues for the Office of the Public Defender in the protection of the rights of persons with disabilities is to study the legal status of women and girls with disabilities, for which it is important to assess their needs and develop recommendations for government agencies.

Women and girls with disabilities are historically one of the most vulnerable groups. They face discriminatory attitudes in almost every area of public life. The UN Convention on the Rights of Persons with Disabilities creates an important legal framework that is critical to protect the rights of women with disabilities and to change the historically established discriminatory practices against them. In particular, Article 6 of the Convention strengthens the direct development, advancement, independence and enjoyment of the rights and fundamental freedoms that women and girls with disabilities are entitled to.

The purpose of this study is to assess the needs and legal status of women and girls with disabilities, taking into account the national and international obligations and standards of the Government of Georgia.

The assessment of the needs of women with disabilities and the protection of their rights is based on the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) and its general comments. As well as the United Nations Convention on the Rights of the Child (UN CRC), its general comments and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The study consists of three main parts. The first part is dedicated to basic finds where those main needs and challenges are briefly described that have been revealed within the frame of the research. The second part examines the needs of women and girls with disabilities in the context of Georgia in terms of the access to justice and protection from violence, labor and employment, personal and family life, education, health and participation in public and political life. The third part of the study is dedicated to the recommendations developed by the Public Defender's Office for government agencies, the implementation of which will significantly improve the standard of protection of the rights of women and girls with disabilities in the country.

# RESEARCH METHODOLOGY

The needs of women and girls with disabilities and the context of the protection of their rights were assessed within the scope of the authority established by the Organic Law of Georgia on the Public Defender of Georgia.

Following the aim of the research, the research issues were defined as follows:

- ✓ Analysis of the national and international commitments to protect the rights of women and girls with disabilities
- ✓ Analysis of the programs and initiatives for the protection of rights of women and girls with disabilities available at the national level
- ✓ Assessment of the needs and legal status of women and girls with disabilities to enjoy the rights guaranteed by the UN Convention on the Rights of Persons with Disabilities
- ✓ Assess the needs and legal status of women and girls with disabilities living in Georgia in the context of the COVID-19 pandemic.
- ✓ Assess the needs and legal status of women and girls with disabilities living in Georgia in the context of the COVID-19 pandemic.

A desk and qualitative research method was defined as the research tool.

The study addressed the needs and legal status of women and girls with disabilities in accordance with the following rights and themes defined by the Convention on the Rights of Persons with Disabilities:

<b>Access to Justice</b>	<b>Article 13</b>
Freedom and security of the person Freedom from torture or cruel, inhuman or degrading treatment or punishment Freedom from exploitation, violence and abuse Protecting the integrity of the person	Articles 14, 15, 16 and 17
Access to Information	Article 21
Respect for privacy and respect for home and the family	Articles 22 and 23
The right to education	Article 24
Protecting the right to health	Article 25
Labor and employment, adequate standard of living and social protection	Articles 27 and 28
Participation in political and public life	Article 29
Statistics and data collection	Article 31

During the preparation of the report, the general principles of the Convention on the Rights of Persons with Disabilities were applied in the analysis of all rights: general obligations of the state - Article 4, Equality and non-discrimination - Article 5, Awareness raising - Article 8, Accessibility - Article 9.

The following subgroups were identified for all the rights defined in the study: non-dominant ethnic group women and girls with disabilities, single women with disabilities, rural women and girls with disabilities, women with disabilities living in large state care facilities, women with LBT + community disabilities. In

addition, when directly studying the needs of women and girls with disabilities, the specifics of the following subgroups are taken into account: women and girls with physical, mental, intellectual and sensory disabilities.

The research was conducted in 3 main stages: desk research, data collection - fieldwork and data analysis and preparation of the final research report and recommendations.

The desk research identified and developed international regulations and standards for the protection of the rights of persons with disabilities, as well as reports prepared by government and civil society at the local level. Based on the results of the desk research, discussion plans and unstructured questionnaires were prepared for focus groups and in-depth interviews. Also, at the same stage, information was requested and processed from state agencies.

In the second phase, fieldwork was conducted with stakeholders to collect evidence and data. Individual interviews and focus group meetings were used in the data collection process. At the same time, public information was requested from state agencies for the period from January 1<sup>1</sup>, 2018 to June 2021.

As part of the practical research, 6 focus group meetings and 23 in-depth interviews were conducted with the following target groups:

- ✓ Women with disabilities
- ✓ Parents of girls with disabilities
- ✓ Non-governmental organizations working on the issues of persons with disabilities
- ✓ Non-governmental organizations working on the topic of non-dominant ethnic groups
- ✓ Nongovernmental organizations working on LBTK + people
- ✓ Non-governmental organizations working on Women's rights
- ✓ Experts in the field of early childhood education, general and vocational education
- ✓ Representatives of state agencies.<sup>2</sup>

Meetings with women with disabilities were held across the country. In particular, women with disabilities living in Tbilisi and in the regions of Georgia were interviewed. One of the criteria was also to identify the different needs of the community of women with disabilities, and for this purpose women with physical, sensory, mental and intellectual disabilities and parents of girls were interviewed. The main criterion for selecting government agencies was the ability to directly or indirectly influence their decisions on the legal status of women and girls with disabilities and their needs.

After analyzing the data and assessing the needs of women with disabilities, a final report was prepared at the final stage of the study and relevant recommendations were developed.

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1. Ministry of Education and Science of Georgia, Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs, LEPL State Care and Victims of Trafficking, Victims Assistance Agency, Government of Georgia, Ministry of Internal Affairs of Georgia, local self-government bodies.

2. Ministry of Education and Science of Georgia, Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, LEPL State Care and Victims of Trafficking, Victims Assistance Agency, Ministry of Internal Affairs of Georgia

## KEY FINDINGS

The study revealed a number of systemic and practical shortcomings related to the improper development of relevant institutional mechanisms for the enforcement of international obligations. A positive finding for the protection of the rights of women and girls with disabilities can be considered the implementation of the Convention on the Rights of Persons with Disabilities, adopted in 2020, the Law on the Protection of the Rights of Persons with Disabilities. Although the law in some cases does not fully meet the requirements of the Convention due to its declarative nature and omission of a certain range of rights, but it sets out in a separate article part of the positive obligations of the state to ensure equality between women and girls. This, on the one hand, can be seen as a recognition of the need for women and girls with disabilities by the state, and on the other hand, it creates a legal basis for the protection of the rights of women and girls with disabilities.

According to the research, the protection of the rights of women and girls with disabilities, at the policy level, is not a priority. Some positive changes, which are reflected in the creation of appropriate regulations or programs to improve the standards of protection of the rights of persons with disabilities, can not be considered as an effective way to protect the rights of women and girls with disabilities. These approaches and programs fail to see the needs of women and girls with disabilities, which for the most part may differ from the needs of men with disabilities. 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. In this regard, the lack of production of segregated statistics is particularly problematic, without which, in fact, it is impossible to see the full picture of the scale of the problem we are dealing with in this or that area of life of women and girls with disabilities. The study also found that in certain areas, such as protection of the right to health and protection from violence, the standard of protection deteriorated during the Covid-19 pandemic.

### Protection from violence and access to justice

- ✓ In terms of access to justice for women and girls with disabilities, the barrier is the issue of physical access to the premises of the police, the court, the LEPL Legal Aid Service, and notary offices.
- ✓ Due to the problem of access to the physical environment of investigative agencies, women with disabilities are not able to enter the building on an equal footing with others and participate in investigative activities. Because of this problem, government agencies often resort to alternative means to interview women and girls with disabilities, for example, it is common practice to survey at home or in an alternative space.
- ✓ Professionals involved in the justice system are often characterized by stereotypical, negative attitudes towards women and girls with disabilities. Because of this, women with disabilities often avoid appealing to law enforcement agencies to investigate cases of violence against them.
- ✓ Women with disabilities do not have information about their rights and protection mechanisms
- ✓ Awareness of rights protection standards is particularly low in cases of deaf and hard of hearing women, compounded by the difficulty of accessing sign language translation services and their insufficient number
- ✓ The process of investigating crimes of sexual violence against women and girls with disabilities is problematic, and the problem is exacerbated if violence is committed against a woman with a mental health problem.
- ✓ In the case of violence against women and girls with disabilities, it is difficult to gather evidence because investigators do not know how to obtain evidence and how to communicate with women and girls with disabilities.

- ✓ The widespread practice of conducting forensic examination for women and girls with disabilities during the investigation of cases of violence against women and girls with disabilities is often problematic and leads to secondary victimization.
- ✓ There is a discriminatory approach in the investigation of sexual violence against women with disabilities, in particular, in the investigation of this type of crime, women victims with disabilities are always subjected to a psychiatric examination, unlike other crimes, such as theft.
- ✓ In the process of investigating violence against women and girls with disabilities, a significant obstacle is the lack or insufficient number of appropriate support services. For example, the scarcity of psychological support resources is problematic.

### **Personal and family life**

- ✓ The issue of raising children independently is problematic for women with disabilities and the lack of necessary support services in this direction in the country
- ✓ Particularly problematic is the discriminatory view and attitude of the state towards women with mental health problems, when often a mental health diagnosis is sufficient to restrict parental rights.
- ✓ The mental health problem becomes an even bigger obstacle in the process of raising a child independently, when a woman is at the same time a representative of the LBTK + community.
- ✓ Lack of family support services is an obstacle for women with disabilities to protect their right to family life, which is why, often, women with disabilities are unable to perform their parenting duties independently.
- ✓ Restrictions on the exercise of parental rights are particularly acute in the case of women with disabilities living in public care
- ✓ The economic independence and lack of income of women with disabilities is an obstacle to the realization of the right to family life
- ✓ The problem is the paternalistic attitude towards women and girls with disabilities, which makes them virtually deprived of the opportunity to go out on an equal footing with others, to be friends, and to have a personal social life.

### **Right to Education**

- ✓ The Ministry of Education and Science of Georgia does not process gender-specific information and/or provide appropriate barriers to the provision of inclusive education to students with special educational needs and/or disabilities, which makes it impossible to identify different needs for girls with disabilities and/or disabilities.
- ✓ Unadapted transportation and physical access problems often force women / girls with disabilities to drop out of school.
- ✓ The results of the study showed a different approach to the inclusion of girls and boys with disabilities in the general education of non-dominant ethnic groups, similar to the general trend in non-dominant ethnic groups where families offer more support to boys with disabilities than girls in general education.

### **Right to health**

- ✓ Access to health services for women with disabilities is a significant problem in terms of physical access to medical facilities during pregnancy and childbirth, access to medical services, as well as the qualification and attitude of doctors.
- ✓ Along with the access to physical environment, access to medical manipulations is also complicated.



Unadapted gynecological chairs present a particular problem in this respect, due to which women with disabilities are often deprived of the possibility to receive gynecological service without being abused.

- ✓ Discriminatory and stereotypical attitudes of doctors also create a barrier to receiving gynecological services. The situation becomes even more complicated if the woman is also a representative of the Lbtk + community
- ✓ The lack of readiness of medical institutions to provide services to persons with disabilities is also evident in the process of granting disability status, which is associated with numerous bureaucracies that a person with a disability is virtually unable to deal with. Added to this problem is the language barrier in the case of persons with disabilities from non-dominant ethnic groups.
- ✓ Communication with doctors is further complicated by the Covid-19 pandemic, when it becomes impossible for deaf women to communicate independently without facemask with a doctor and, consequently, to receive services in confidence.
- ✓ The results of the study indicate that in terms of sexual and reproductive health and protection of women with disabilities, the main problem is the attitude that women with disabilities do not have sexuality.
- ✓ The results of the study showed that women with mental health problems living in psychiatric inpatient facilities and boarding houses for persons with disabilities are one of the most discriminated groups in terms of the access to sexual and reproductive health rights. This is due to the lack of access to sexual and reproductive health and rights information and related services.

### **Labor and Employment and an adequate living standards**

The results of the study showed that the low employment rate of women with disabilities is often related to the fact that they did not have access to education, including less access to general or higher education than men/boys with disabilities.

- ✓ The research has shown that a significant barrier for people with disabilities is the attitude to them on the place of employment, unwillingness of other employees to establish effective communication with people with disabilities.
- ✓ Existing programs to address social protection and an adequate standard of living fail to address the needs of women and girls with disabilities.

### **Participation in political and social life**

- ✓ In the process of putting the policy of the needs of women with disabilities on the agenda, the participation of non-dominant ethnic group women with disabilities in the research was identified as a problem.
- ✓ Mechanisms for involving persons with disabilities, including women, in the decision-making process in the country are ineffective, which precludes active participation in the initial stage of initiatives
- ✓ Men with disabilities are more represented than women in the decision-making process, including on issues directly related to women with disabilities
- ✓ The problem of access to public transport often leads to the exclusion of women with disabilities from almost all areas of society.
- ✓ In terms of involvement in public life, the problem is the negative and stereotypical attitude of the society towards women with disabilities and their role
- ✓ For the most part, only men with disabilities are involved in the work of councils of persons with disabilities at the municipal level.

# RESEARCH RESULTS

## Protection from violence and access to justice

Access to justice is one of the fundamental human rights, on the realization of which the effective use of other rights often depends. Access to justice plays a special role in protecting the rights of women and girls with disabilities, however, due to institutional and practical barriers, it is less realized in practice.

In order to ensure access to justice for women with disabilities, special importance is attached to Article 1<sup>3</sup> of the Convention on the Rights of Persons with Disabilities, which sets standards for access to justice for persons with disabilities, including women and girls with disabilities. According to Article 13 of the Convention, justice cannot be afforded to women and girls with disabilities, if the premises of the courts and justice agencies are not physically accessible and if respective services, information and communications standards do not meet the needs of women and girls with disabilities<sup>3</sup>. In terms of access to justice for women with disabilities, special importance is also attached to the establishment of appropriate institutional guarantees to ensure equality before the law, as set out in Article 12 of the Convention on the Rights of Persons with Disabilities and directly related to the effective enforcement of the decision support model.<sup>4</sup> The right to equality before the law is also recognized in Article 15 of the Convention on the Elimination of All Forms of Discrimination against Women, which requires the recognition of the legal capacity of women to be equal to men, including at all stages of the justice system.<sup>5</sup> The problem of access to justice for women and girls with disabilities is directly related to the ineffective response to cases of violence against them in practice.<sup>6</sup>

In order to ensure access to justice for women and girls with disabilities, the Law on the Protection of the Rights of Persons with Disabilities, adopted in 2020, should be positively assessed. The law establishes the obligation of the state to ensure access to justice at all stages of the proceedings, in compliance with the principle of equality before the law. In order to enforce Article 18 of the law in practice and in accordance with Article 31 of the Law, the Ministry of Internal Affairs, in 2021, developed a draft recommendation on the effective involvement of persons with disabilities in the investigation phase. The purpose of the recommendation is to promote the effective involvement of witnesses, victims and defendants of the persons with disabilities in the investigation, to protect their rights and to participate equally in criminal proceedings.<sup>7</sup>

Since 2016, the Ministry of Internal Affairs has introduced a 6-hour standard training course for persons with disabilities, which is mandatory for all police officers working as patrol inspectors, precinct inspectors, law enforcement officers, border guards and pedestrians. Individual work is done with each of them to be able to easily establish communication with a person with any disabilities and assist in moving and at critical moments.<sup>8</sup> A cascading training module and curriculum for investigators on discrimination, hate speech

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3. General comment No. 2 (2014) Article 9: Accessibility, Committee on the Rights of Persons with Disabilities, CRPD/C/GC/2, Para 37, <https://bit.ly/3DbtZLZ>

4. The concept of support in Georgia was established by the reform of the Constitutional Court of Georgia in 2014, which abolished the existing system of guardianship in the country and replaced it with a new model of decision support.

5. General comment No. 1 (2014) Article 12: Equal recognition before the law, Committee on the Rights of Persons with Disabilities, Para 35, <https://bit.ly/31k2frg>

6. General comment No. 3 (2016) on women and girls with disabilities, Committee on the Rights of Persons with Disabilities, CRPD/C/GC/3, Para 52, <https://bit.ly/3Eg2hiq>

7. Ministry of Internal Affairs of Georgia, a letter №MIA 9 21 02044993, 04.08.2021.

8. *ibidem*.

and crimes of intolerance on a specific discrimination basis have also been developed since 2020. One of the topics of the training session is the discriminatory crimes committed against persons with disabilities.

The Ministry of Internal Affairs has also developed a separate draft recommendation on the effective involvement of persons with disabilities in the investigation phase. The draft recommendation, at the legal stage, defines the standards and methodology for working with a juvenile witness with disabilities, the victim and the accused, with the aim of conducting an investigation taking into account the interests of children with disabilities and their individual needs.<sup>9</sup>

Despite the international obligations that the state of Georgia has taken within the frames of The Conventions on the Prevention of Violence against Women and Family Violence (Istanbul Convention) regarding the production of segregated statistics on the cases of violence<sup>10</sup>, which also encompasses the commitment to process the statistical information on the crimes committed against women and girls with disabilities, according to the Ministry of Internal Affairs, the articles of the Criminal Code of Georgia do not provide as a qualifying circumstance only crimes committed against persons with disabilities, women/girls. Consequently, the data related to the crime committed under this category are not processed.<sup>11</sup>

In order to increase access to justice for women and girls with disabilities, in 2021 it was also significant that the Prosecutor's Office<sup>12</sup> and the Ministry of Internal Affairs of Georgia<sup>13</sup> developed an Action Plan for the Protection of Rights of Persons with Disabilities for the year of 2021. According to the Prosecutor's Office of Georgia, a standard and method for working with witnesses with disabilities, the victims and the accused was worked out, as well as a guidance document for working with both adults and children. These documents provide recommendations for prosecutors in the process of working with persons with disabilities. At present, the Prosecutor's Office uses 3 documents in the process of working with persons with disabilities. In addition to these documents, the agency also uses the general recommendations developed in 2016.<sup>14</sup>

The introduction of the specialization of prosecutors in order to improve the quality of prosecutorial activities in cases of crimes against sexual freedom and inviolability in the Prosecutor's Office of Georgia from 2021 should be positively assessed.<sup>15</sup> Only specialized prosecutors and prosecutors' investigators are engaged in prosecutorial and investigative activities.<sup>16</sup>

In 2016, the Human Rights Division of the Prosecutor General's Office of Georgia, in order to comply with the requirements of the UN Convention on the Rights of Persons with Disabilities, developed and introduced in the Prosecutor's Office a guideline "On the investigation of criminal cases involving persons with disabilities." The purpose of developing this recommendation was to identify the needs of a witness / victim with a disability in criminal proceedings and the circumstances to be considered in conducting a separate investigative action

9. *ibidem*.

10. Collection, processing and dissemination of gender statistics for the prevention and control of gender-based violence in Georgia, Partnership for Human Rights (PHR), 2019, available at: <https://bit.ly/3G1iyZ4>

11. Ministry of Internal Affairs of Georgia, letter, №MIA 9 21 02044993, 04.08.2021.

12. Action Plan for the Protection of the Rights of Persons with Disabilities of the Prosecutor's Office of Georgia, 2021 <https://bit.ly/31gEd02>

13. 2021 Action Plan for the Fulfillment of Obligations under the Law of Georgia on the Rights of Persons with Disabilities, Ministry of Internal Affairs <https://bit.ly/3rqGT6O>

14. In-depth interview with the representative of the Prosecutor's Office of Georgia, 18.08.2021.

15. General Prosecutor's Office of Georgia, letter №13/44376, 21.07.2021.

16. Within the specialization course, 4 groups were trained, 69 prosecutors and 10 investigators of the Prosecutor's Office were trained.

with them in order to ensure effective prosecution. In 2021, by order of the Prosecutor General of Georgia, two guidelines were approved for prosecutors and system investigators: a) standards and methods of working with the witnesses, victims with disabilities and the accused; b) standards and methodology of working with juvenile witness and victim with disabilities and the accused. The purpose of the guidelines is to guide the activities of the prosecutor and the investigator, taking into account the individual needs and interests of persons with disabilities, including those with mental and intellectual disabilities, and to ensure their equal, full and effective participation in all stages of the proceedings.<sup>17</sup>

In recent years, despite the fact that issues related to persons with disabilities have been reflected in the regulatory documents of the Ministry of Internal Affairs and the Prosecutor's Office of Georgia, it can be said that they are less focused on the needs of women and girls with disabilities and are more general.

At the policy level, the important record for the protection of the rights of women and girls with disabilities was included in the 2018-2020 Action Plan for Combating Violence against Women and Domestic Violence and for the Protection of Victims<sup>18</sup>, (Victims), which defined the way of conducting research on the risks and needs of violence against women with psychosocial needs (Task 2.2.10). However, according to the letter of Interagency Committion<sup>19</sup>, this task was not fulfilled. Accordingly, the state policy on the prevention and response to violence against women with disabilities is still not based on evidence and the state does not have in-depth information on the problems faced by women and girls with disabilities in their relations with the justice system.

### **Practice Analysis**

According to the international standards, access to the physical environment is one of the most important components of assessing access to justice for women and girls with disabilities. The results of the research showed that there are many important barriers in this direction in the country. The problem of access to the physical environment is tangible in the case of police and prosecutor's office buildings, as well as courts, legal aid bureaus and notaries. This problem is pointed out by both women with disabilities and representatives of state agencies.

*"Infrastructure needs to be regulated. That is why we have an action plan for 2021, where everything is written and we are starting to implement it, so that at least, the infrastructure in all departments is in order," said a representative of the Ministry of Internal Affairs.*

*"I had a contact with the court in Kutaisi, I barely entered. I have limited mobility and you can imagine, what a wheelchair user would experience - not being able to enter the building at all. You cannot visit a notary either, not even the lawyers' offices." a woman with disabilities.*

According to information provided by the Ministry of Internal Affairs and the Prosecutor's Office of Georgia, access to the physical environment mostly means adapting the environment for people with mobility impairments. In the case of the Ministry of Internal Affairs, 30 administrative buildings<sup>20</sup>, and in the case of

17. General Prosecutor's Office of Georgia, letter №13/44376, 21.07.2021.

18. Action Plan for Action against Violence against Women and Domestic Violence and Protection of Victims (Victims) for 2018-2020, Objective 2.2.10., <https://bit.ly/3lsROsz>

19. Letter from the Administration of the Government of Georgia №GOV 8 20 00050825-07.12.2020.

20. Ministry of Internal Affairs of Georgia, letter №MIA 9 21 02044993, 04.08.2021.

the Prosecutor's Office, 16 administrative buildings are available for persons with mobility limitations, and 9 administrative buildings of the Prosecutor's Office<sup>21</sup> for persons with sensory limitations.

As regards access to court buildings, there are significant challenges in this regard in the country. However, none - for people with sensory limitations. There are only a few courts accessible to persons with disabilities. Even where there is a ramp for people with disabilities to enter the building, the vast majority of them, as well as indoor and outdoor stairs do not meet the accessibility standard. The vast majority of courthouses are not connected to accessible municipal transport, and accessible municipal transport stops are not located near buildings.

However, none - for people with sensory limitations. Even where there is a ramp for people with disabilities to enter the building, the vast majority of them, as well as indoor and outdoor stairs do not meet the accessibility standard. The vast majority of courthouses are not connected to accessible municipal transport, and accessible municipal transport stops are not located near buildings. The challenge for all court buildings is the lack of information boards, information signs, guide signs and tactile maps. Witness and expert tribunals do not meet the accessibility standard.<sup>22</sup>

In the absence of an accessible environment, government agencies often resort to alternative means to be able to interview women victims of violence with disabilities. For example, when a person in a wheelchair fails to enter the building where the investigation is taking place, he or she is interrogated at his or her own home, or the investigator meets them in a neutral area and conducts the proceedings there.<sup>23</sup> It is important to note that such an approach does not comply with the standard set out in the Convention on the Rights of Persons with Disabilities (Article 13) and may provide a basis for a victim of violence for a woman with disabilities not to report violence or other crimes against her.

In addition to access to the physical environment, cases of violence against women and girls with disabilities, and access to justice, there are a number of systemic barriers to access, including stigma against women and girls with disabilities, lack of reasonable accommodation, and poor training of respective agencies to be able to adequately respond to the cases of violence against women and girls with disabilities.<sup>24</sup>

The result of the researches indicate to another significant barrier existing in terms of accessibility to justice, which stems from the attitude of professionals involved in the system of justice. For example, investigators often question the credibility of a testimony given to an investigation by a woman with a mental health problem and/or intellectual disability. For women with disabilities, such a stereotypical attitude often becomes a reason to refuse to protect their rights.

Such stereotypical approach often becomes the basis for women with disabilities to refuse protection of their own rights.<sup>25</sup>

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21. General Prosecutor's Office of Georgia, letter №13/44376, 21.07.2021.

22. Accessibility of Court Buildings for Persons with Disabilities, Partnership for Human Rights (PHR), Council of Europe, 2019, <https://bit.ly/32RErMh>

23. In-depth interview with an employee of the Ministry of Internal Affairs, 11.09.2021.

24. Special Report "Justice for Sexual Violence Against Women in Georgia", Public Defender of Georgia, 2020, is available at: <https://bit.ly/3D0iR4w>

25. In-depth interview with an employee of the Ministry of Internal Affairs, 11.09.2021.

*“You are so sure, there will be no result, you can not win, you will not be believed, you will be blamed, it is not your right, that you do not even go there, because you think that you will be rejected anyway,” a woman with disability.*

*“When she calls the police and when they arrive and see that she has been diagnosed, they immediately take her to a psychiatric hospital, they even don’t inquire whether she was a victim of violence, they don’t care about it.” a woman with disabilities.*

The results of the study indicate that the process of investigating cases of sexual violence against women and girls with disabilities is problematic in terms of access to justice. The problem is exacerbated if violence is committed against a woman with a mental health problem.<sup>26</sup> In particular, according to the representative of the Ministry of Internal Affairs, the collection of evidence is difficult because the investigators do not know how to obtain evidence, how to establish communication with a woman with disabilities. It is particularly difficult to obtain evidence from women with disabilities who have communication difficulties, and at the same time, the investigator is unprepared to manage such cases effectively. It is important that the Ministry of Internal Affairs takes into account the issue of training investigators and criminal police officers in the 2021 Action Plan<sup>27</sup> created to protect the rights of persons with disabilities. However, the task set by the plan does not create a possibility for a systematic solution to the problem. The plan envisages conducting 2 trainings throughout Georgia.<sup>28</sup>

According to the results of the research, the process of conducting examinations for women and girls with disabilities is problematic, during which secondary victimization often occurs. The environment at the Levan Samkharauli National Forensics Bureau has a negative effect on women and girls with disabilities who are victims of violence, therefore, with the current approach, the Ministry of Internal Affairs is trying to no longer schedule forensic examinations in all cases. In the context of sexual violence investigations against women with disabilities, a discriminatory approach is emerging. In investigating this type of crime, women victims of disability are always subjected to psychiatric examination, unlike other types of crimes, such as theft.<sup>29</sup>

Regarding the psychiatric examination, the content of the conclusion was also found to be an obstacle, especially in the case of girls with disabilities. In particular, a child victim of sexual abuse at the age of 5-6 years is recorded as having the ability to imagine, and thus the age of the child and the peculiarities of her development are not taken into consideration. The findings of similar content provided by the Bureau of Expertise, according to the representative of the Ministry of Internal Affairs participating in the study, hinder the further conduct of the investigation.<sup>30</sup>

For women and girls with disabilities, a significant obstacle to the investigation is the lack or insufficient number of appropriate support services. For example, the insufficient amount of psychological support resources is problematic, which often leaves a victim of violence without assistance at all. Access to shelters for women victims of violence with disabilities is also complicated. And in general, access to shelter for

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26. In-depth interview with a representative of the Ministry of Internal Affairs, 11.09.2021.

27. 2021 Action Plan for the Fulfillment of Obligations under the Law of Georgia on the Rights of Persons with Disabilities, Ministry of Internal Affairs <https://bit.ly/3rqGT6O>

28. In-depth interview with a representative of the Ministry of Internal Affairs, 11.09.2021.

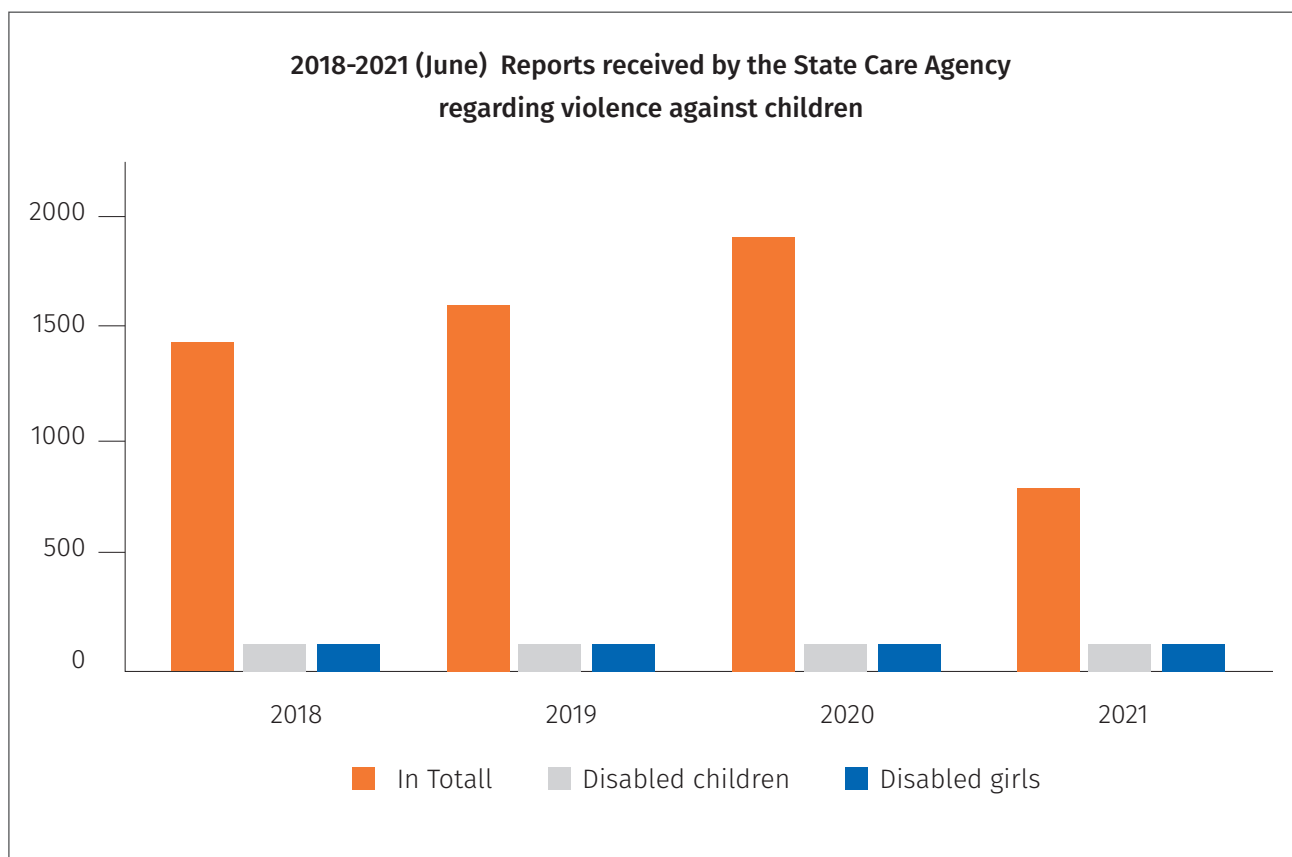
29. ibidem.

30. ibidem.

persons with disabilities remains a challenge, the shelters are only partially adapted for wheelchair users and not adapted for other types of disabilities.<sup>31</sup> It should be noted, that the crisis centers are adapted only for persons with disabilities using wheelchairs, while the space is inaccessible for other persons with disabilities.<sup>32</sup> The study identified significant violations, such as the inaccessibility of shelters for victims of violence, the possible placement of a woman victim with a disability in the shelters for the homeless<sup>33</sup> which is not equipped with the appropriate human resources to serve victims of violence.

*“People with disabilities cannot be transferred to any service. The only one in Gori is a relatively adapted shelter. Once we had a case, a woman was using a wheelchair, she also had a mental health problem, we could not place her in any shelter, then we took her to Zugdidi, Zugdidi did not accept her and we took her back to Tbilisi and took her to Lilo. Lilo does not admit her as it has its own target group,” the representative of the Ministry of Internal Affairs.*

The results of the study indicate that access to justice and the reporting rate of cases of violence were negatively impacted by restrictions adopted in connection with Covid-19 pandemic.<sup>34</sup> Although the work of the staff of the Ministry of Internal Affairs went on uninterrupted, but the problem was that in the absence of traffic and isolation, it was not possible to send messages.



31. Focus group meetings with women with disabilities, 06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021; In-depth interview with the representative of the Ministry of Internal Affairs, 11.09.2021.

32. Monitoring Report on Domestic Violence and Trafficking Victims Service Institutions, Public Defender of Georgia, 2020, <https://bit.ly/3ltgZLP>

33. In-depth interview with a representative of the Ministry of Internal Affairs, 11.09.2021.

34. In-depth interview with a representative of the Ministry of Internal Affairs, 11.09.2021.

Despite the fact that the international practice clearly indicates the high rate of violence against persons with disabilities, including children with disabilities, as well as the fact that women and girls with disabilities are more often subjected to various forms of violence, the statistics available in Georgia shows that the rate of appeals on the issue of violence is very low in children and also girls with disabilities. Although from 2018 to 2021 there is an increased number of appeals on child abuse cases (1472 reports were submitted to the State Care Agency in 2018, 1624 in 2019, 1818 in 2020, 888 in June 2021), this figure does not increase for children with disabilities, including in the case of girls with disabilities (in 2018, the agency received 6 reports of violence against children with disabilities, in 2019 - 7, in 2020 - 8, in 2021 (June) - 4). On the whole, in 2018-2021 (June), a total of 25 messages were received regarding violence against a child with disabilities, and 10 of them were about girls with disabilities. As for the forms of violence, according to the Agency, based on the reports of violence against children with disabilities, negligence prevails (18 cases).<sup>35</sup>

According to the research, the lack of information about their rights protection and remedies also becomes a significant obstacle in the process of exercising the right of access to justice. As women with disabilities participating in the study believe, the lack of information is often related to the practice of isolating women and girls with disabilities, scarcity of opportunities for independent living, and problems with access to education. The lack of information on rights protection standards was particularly pronounced in the case of deaf and hard of hearing women, compounded by the difficulty of accessing the services of a sign language interpreter and their insufficient number. Compared to Tbilisi, in other regions, this problem is even more acute.<sup>36</sup>

### **Personal and Family Life**

Realization of personal and family life is one of the most urgent issues on the way to the protection of rights of women and girls with disabilities. The 5th article of the Convention on Rights of Persons with Disabilities raising the demand of protection of women with disabilities in all spheres of life, particularly aims at the protection of personal and family lives of women and girls with disabilities.<sup>37</sup>

Women with disabilities, based on their vulnerability, more often become victims of legal or de facto deprivation/restriction of legal capacity. Given the alternative, patriarchal decision-making system, they are often deprived of the ability to control aspects of their own lives, such as the right to choose their place of residence, financial control, reproductive health, childbearing etc.<sup>38</sup>

Such damaging and stereotypical attitude to women with disabilities, which are mainly based on the idea that women with disabilities don't have enough skills to live independently, and bear children, negatively reflects on the effective use of their rights as of parents. For instance, women with disabilities, as a rule, usually lose custody of their children. Such practices are particularly negative for women with disabilities on psychosocial and/or intellectual grounds.<sup>39</sup>

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35. Official Correspondence of the LEPL State Care and Victims Assistance Agency, 16.08.2021, №07/6829.

36. Focus group meetings with women with disabilities 06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021.

37. General comment No. 3 (2016) on women and girls with disabilities, Committee on the Rights of Persons with Disabilities, CRPD/C/GC/3, <https://bit.ly/32RMybH>

38. Research Report "Feasibility Reform Assessment - Legislation and Practice", "Center for Human Rights Education and Monitoring" (EMC), Partnership for Human Rights (PHR), Georgian Association of Social Workers (GASW) and Global Initiative in Psychiatry - Tbilisi (GIP - Tbilisi), 2020, available at: <https://bit.ly/3phjUbn>

39. General comment No. 3 (2016) on women and girls with disabilities, Committee on the Rights of Persons with Disabilities, CRPD/C/GC/3, <https://bit.ly/32RMybH>



Since the main essence of the Convention on the Rights of Persons with Disabilities is the full social inclusion of persons with disabilities and the equal enjoyment of their rights, Article 19 of the Convention, which sets out the basic framework for the right of persons with disabilities to independent living, is of particular importance. The right to live independently is directly related to the Convention's guaranteed privacy (Article 22) and the right to housing and respect of family rights (Article 23). According to the Committee on the Rights of Persons with Disabilities, the lack of community-based services directly raises the risk of a violation of Article 23 rights, as, on the one hand, the persons with disabilities are not allowed to live in the community and, on the other hand, they do not have access to independent living support services. This issue is especially relevant in the case of women with disabilities, when the protection of their rights to family life and raising children independently is directly related to the effective supportive services available in the community.<sup>40</sup>

The Law of Georgia on the Protection of the Rights of Persons with Disabilities, adopted in 2020, provides an important legal guarantee for the protection of the right to private and family life at the national level. Article 13 of the law defines the obligation of the state to eliminate discrimination in the field of personal and family life. However, the requirements of the law are less fulfilled in practice. At the central and local government levels, in addition to cash social assistance, two programs can be distinguished, which in essence mean strengthening and supporting families, namely:

Support sub-programs for families with children in crisis and day care centers<sup>41</sup>. However, none of the programs addresses the challenges facing women with disabilities, nor does it address the components of parental education, positive parenting skills development, and economic empowerment, which are key issues for family support services.<sup>42</sup>

### **Practice Analysis**

Regarding the right to family life, the results of the study revealed that the inefficiency of family support services and the lack of programs to directly support women with disabilities are an obstacle, due to which, often, a woman with disabilities is unable to perform parental duties independently.

Protecting the right to family life is often related to the enjoyment of other rights protected by the Convention on the Rights of Persons with Disabilities, and in most cases, the right to family life is linked to access to a physical environment or services. According to a woman with a wheelchair participating in the study, her child could not be vaccinated because transport was not available. If you still manage to call an adapted taxi, the problem will already be encountered upon arrival at the medical facility, as it is impossible to enter the building due to the inaccessible environment.

The results of the study showed that the view and attitude of the state towards women with mental health problems is especially problematic in terms of protection of the right to family life, when often a diagnosis of mental health is sufficient to restrict the right to parenthood.<sup>43</sup>

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40. General comment No. 3 (2016) on women and girls with disabilities, Committee on the Rights of Persons with Disabilities, CRPD/C/GC/3, <https://bit.ly/32RMybH>

41. Resolution of the Government of Georgia №825 "On Approval of the State Program for Social Rehabilitation and Child Care 2021", 2020, is available:<https://bit.ly/3piuKhM>

42. Children's Rights in Georgia - Report Card, Coalition for Children and Youth (CCY), 2020, Available at:<https://bit.ly/3xJvbVI>

43. Focus group meeting with women with disabilities, 06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021, in-depth interview with an expert working on the issues of persons with disabilities, 04.08.2021.

*“Divorces are common, as well as the facts of depriving them the right of parenthood when a woman has a mental health problem. Whereas we know that the law says no discrimination, but the diagnosis makes great difference when evaluated by specific specialists. “Leaving a child with a mother after a divorce is a different case from ours.” A woman with disabilities.*

The problem of mental health becomes an even bigger obstacle in the process of raising a child independently, when a woman is at the same time a representative of the LBTK + community. At such times, the ex-partner points to both signs to completely remove the child from the mother.<sup>44</sup>

Restriction on the exercise of parental right is especially relevant in the case of women with disabilities living in boarding schools and large-scale psychiatric institutions. Also, significant obstacles are created in this direction in the case of community organizations. Although in the case of community homes, there is no restriction in the law regarding living with a child’s parent, but in practice, in the absence of adequate financial and human resources, this right remains unfulfilled. In addition to the restriction of parental rights, it is common for children with disabilities to be placed in foster care away from women living in boarding houses, which prevents regular contact between parent and child.<sup>45</sup>

According to the study, on the one hand, there is a stereotypical view that a woman with disabilities can not marry, on the other hand, that she can not play the “main role” of a woman, cannot have children, and if she does, she will not be able to raise them. In this respect, there is a difference between people with disabilities themselves, because in the case of men with disabilities, a similar attitude is not actually found.

*“I have often heard that a son-in-law would never enter this family, it affected me deeply and still does to this day. Many times I have noticed that whenever they saw my boy friend with a disability, the attitude towards him has always been more serious, his speech is more seriously perceived than mine. I often felt that I was neither visible nor existent with those people,” a woman with disabilities.*

*“Once I visited a family, where all three children had vision problems. All of them were girls, already adults. When I talked to the mother, she said, all three of them were born like that, she even cried, what will happen to us if we die, they will not be able to get married, they will not be able to start a family, they are not able to work,” an expert working with representatives of non-dominant ethnic groups.*

The most important obstacle that the research revealed in the process of exercising the right to private and family life stems from the existing attitudes in society and the stereotypical perception towards women with disabilities. This attitude is often caused by the perception of the role of women in general, which is directly related to the reproductive function and family care, as the society believes that a woman with disabilities cannot raise a child. This issue becomes even more relevant in the case of women with disabilities from non-dominant ethnic groups. According to the research, the main function of a woman in these regions is even more related to managing household chores, taking care of cattle and agricultural work. Consequently, there is an attitude that a woman with disabilities cannot perform this main function.<sup>46</sup>

*“In our community [ethnic Azeri community] I have not met a woman with a disability who is married. Given that the role of a woman is strictly defined. When making a decision to start a family, they also*

44. In-depth interviews with social workers working with the LGBT + community, 08.09.2021, 10.09.2021.

45. Focus group meeting with women with disabilities, 06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021.

46. In-depth interview with an expert on non-dominant ethnic groups, 17.09.2021.

*observe whether they will play this role or not. That is why the biggest concern of the family is whoever would want to marry their child. Whereas if a man has a disability, he can still get married," said an expert working with members of the non-dominant ethnic group.*

In the realization of family life, the factor impeding it is that women with disabilities are not economically independent and they don't have income. Due to which, even those women who can bear children, abstain from it because of this factor. While there is such an environment in the country when services supporting families do not function, there are no effective programs supporting employment of persons with disabilities, women with disabilities naturally fear that they won't be able to fulfill the responsibilities of parents adequately and won't be able to meet their children's basic needs.<sup>47</sup>

At the same time, according to an expert working on disability in the study, the situation changes radically when there are programs to support women with disabilities in the country - ["services should be designed so that women with disabilities can receive education and employment"]. -The role of kindergartens was particularly stressed in terms of supporting women with disabilities.<sup>48</sup>

The results of the study showed that deaf and hard of hearing women with disabilities are even more discriminated in terms of starting a family and having a child. In a situation where there are already a lot of assistive technologies for the persons with hearing impairments today, there are still no relevant programs in the country that provide quality assistive devices to these people. Consequently, it also affects their ability to independent care of the children and the creation of a safe environment for them.

*"Having children is very difficult, because the child needs a lot of attention, you might fail to notice many things, the child may wake up at night and cry and you don't hear, the child may call for help and you cannot hear, there are voices that the mother must hear and it is very difficult for me. However, there are assistive technologies that you can use to solve these problems. A cochlear implant is such an expensive pleasure that virtually no one can afford it." A woman with disabilities.*

According to this study, in terms of the right to personal life, the paternalistic attitude to women and girls with disabilities poses a problem. Due to this, women and girls with disabilities are actually deprived of the possibility to go out like others, to make friends, have their personal life. All this excludes for them a possibility of getting married and having a family in future. According to what the women with disabilities participating in the study say, in case a woman is able to get married, this paternalistic attitude and exaggerated control becomes the prerogative of the husband. Therefore, women are deprived of the possibility to lead independent life.<sup>49</sup>

Restrictions on the right to privacy, in the opinion of women with disabilities, increase the risk of sexual violence and harassment against them. With families constantly monitoring women and girls with disabilities, there is often a search for alternative ways to connect with the outside world via the Internet. At the same time, no one warns them about the dangers that can bring about communication with strangers.<sup>50</sup>

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47. Focus group meeting with women with disabilities,06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021.

48. In-depth interviews with experts working on issues of persons with disabilities, 07.09.2021, in-depth interviews with researchers on gender issues, 10.09.2021.

49. Focus group meetings with women with disabilities,06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021; Focus group meetings with parents of girls with disabilities,10.09.2021.

50. Focus group meetings with women with disabilities, 06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021.

## Right to education

The realization of the right to education is related to providing a qualified and continuous inclusive education. Article 24 of the UN Convention on the Rights of Persons with Disabilities<sup>51</sup> (UNCRPD) deals with the realization of the right to education and states that States shall take all measures to ensure that persons with disabilities enjoy the right to education without discrimination and on equal terms. In addition, states that are parties are responsible for both the introduction of an inclusive education system and lifelong accessibility.

Georgia also recognizes the UNESCO Salamanca Declaration on Inclusive Education<sup>52</sup>. According to this document, all children, including children in need of temporary or permanent assistance in the field of education, have the right to study at a school. Every child has the right to learn in an inclusive environment and to participate in an educational process oriented on him//her, to meet his or her individual needs.

At the national level, the issue of inclusive education is regulated by various special legislative acts. The importance of inclusive education at the level of preschool education and the corresponding definition are given in the Law of Georgia on Early and Preschool Education and Upbringing.<sup>53</sup> By law, inclusive education is the right of every child, within which the education system ensures the provision of quality education to all children according to their individual needs. It is important to note that only in this law can we find an entry in the education legislation that obliges the education system to take into account gender characteristics in the process of providing inclusive education.

Article 2 of the Law of Georgia on General Education defines inclusive education as follows: "Equally accessible educational process, within the framework of which all students are provided with education taking into account their individual educational needs and opportunities." Article 33 of the same law, among other issues, defines the obligation of a general education institution to create conditions for the implementation of inclusive education.

The Law of Georgia on Higher Education stipulates that a student with a disability has the right to a higher education institution to create appropriate conditions for receiving a full-fledged education. The issue of access to higher education is a challenge for all persons with disabilities. There is no unified system of access to higher education in the country, which has an institutional character.<sup>54</sup> With regard to access to higher education, only the private practice of individual universities can be distinguished. The legal framework and relevant regulations in this regard require changes and harmonization with the requirements of the Convention on the Rights of Persons with Disabilities. Several important issues can be identified from the problems in the process of obtaining higher education, they are as follows: Readiness and attitudes of the administration, access to study materials, as well as access to exams and other components of assessment, lecturers' awareness and approaches to students with disabilities and / or SSSM, access to physical environment, official websites and study materials, involvement in student life.<sup>55</sup>

Specialists involved in the level of inclusive education at the general education level today are: Special Teacher, Psychologist, Occupational Therapist, Language and Speech Specialist, Sign Language Translator,

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51. UN Convention on the Rights of Persons with Disabilities. The Convention was adopted on 13 December 2006. Valid in Georgia since April 12, 2014.

52. The declaration was adopted at the UNESCO World Conference on Special Needs, Accessibility and Quality of Education in Spain. The document was originally published in 1994, and the final report was published in 1995.

53. Law of Georgia on Early and Preschool Education, Article 3, Subparagraph L.

54. Law of Georgia on Higher Education, Article 43, Paragraph 3.

55. Research "Model of access to higher education".

Sign Language Specialist, Assistant to the Special Needs Specialist, Mobility and Orientation Specialist.<sup>56</sup> The school can hire as needed and provide the conditions necessary for the child's education. Schools, in addition to the standard voucher, receive targeted assistance, which is tied to the number of children with SEN, and this amount should be spent on the development of inclusive education, purchase of appropriate resources, remuneration of additional specialists, arrangement of resource rooms, etc.

To facilitate the education of students with special educational needs (including students with disabilities), the Ministry implements a program to promote inclusive education. The activities carried out within the framework of the program are spread throughout Georgia. The program has the following sub-programs: Multidisciplinary Team Support Sub-Program - The multidisciplinary team, based on the assessment, identifies the special educational needs of the person and promotes the training of SSSM persons in general education institutions.

In the field of vocational inclusive education, there is a program in the country "Promoting the development of inclusive education at the level of vocational education - ensuring the inclusion of persons with disabilities in vocational education and access to quality education."<sup>57</sup>

On September 10, 2020, the Government of Georgia approved Resolution 73573 "State Program for Monitoring Children Out of School", which identified school-age persons, including persons with disabilities left without school education. The Ministry is currently working on finding these individuals and involving them in formal education. The introduction of social work in schools by the Ministry of Education and Science of Georgia on the basis of the Law of Georgia on Social Work should be positively assessed. At this stage, the Psychosocial Service Center employs 36 social workers. Social workers work with students of both typical development and special educational needs (including those with disabilities). Social workers were distributed in 34 public schools throughout Georgia.

## **Practice Analysis**

Despite legislative regulations related to the provision of quality inclusive education, there are a number of challenges for students with disabilities and / or SSCs at the general education level. One of the major problems is the outdated and faulty infrastructure of schools, which mostly does not meet the standards of accessibility for people with disabilities, especially the inaccessible internal infrastructure of schools, including bathrooms. The challenge remains to use adapted learning materials, support resources and textbooks in the teaching process, as well as to update / equip libraries with available textbooks and supporting materials.<sup>58</sup>

The results of the monitoring conducted by the Public Defender of Georgia confirm that the funding allocated for inclusive education is not sufficient to meet the complex needs of students with special educational needs and to hire inclusive education specialists. This is especially noticeable in the case of students with sensory limitations, as they need the services of various specialists for the full realization of the right to education. The issue of providing Students with Special Needs of Education with psychologists and assistants was also a special challenge in practice.<sup>59</sup>

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56. Order # 16 / N of the Minister of Education and Science of Georgia on the Approval of the Rules for the Introduction, Development and Monitoring of Inclusive Education, as well as the Mechanism for the Identification of Students with Special Educational Needs

57. Ministry of Education and Science of Georgia, letter # MES 2 21 0000724182, 20.07.2021

58. The monitoring report "Inclusive Education in Pilot Public Schools", Public Defender of Georgia, 2019, is available: <https://bit.ly/3xyN2yI>

59. The monitoring report "Inclusive Education in Pilot Public Schools", Public Defender of Georgia, 2019, is available: <https://bit.ly/3xyN2yI>

The results of the research showed that the Ministry of Education and Science of Georgia does not process statistical information by gender in the provision of inclusive education for students with special educational needs and / or disabilities to identify relevant barriers and subsequently eliminate them.<sup>60</sup> In those public schools, where the LEPL Resource Officer Service of the LEPL educational institution is represented, in case of detection of a violation / alleged violation committed by a student, there is no identification/indication of a special educational need and/or disability status (this type of information belongs to a special category of personal data).<sup>61</sup>

Despite the fact that the Ministry of Education does not process the data and the research of the needs of students with disabilities based on gender, women with disabilities in the study indicate to different attitudes towards gender that are referred only to women directly and not to men with disabilities.

*“I told them that drugs have a great effect on my memory, I was studying at university and I asked if there was any other medicine, I could not even read, and they tell me laughingly, what do you need books for, go help your mother in the kitchen, what a woman needs a book for. When it comes to women with disabilities, all the stereotypes concerning women that seem to be overcome, reappear again and again.” a woman with disabilities.*

A study published by the United Nations Women in 2020 also explicitly indicates differential treatment of girls and boys with disabilities in terms of access to education. Research shows that boys are given more freedom in learning the profession and are relatively easily find work and are employed. In contrast, stereotypical views gives less opportunities to girls to integrate properly into society and thus push them to get involved in household chores.<sup>62</sup>

Unadapted transportation and problems with access to the physical environment often force women with disabilities to refuse to continue their education. This issue is especially problematic when there is an established attitude in families that a woman with a disability does not need education, while in the case of a boy with a disability, much more resources are put into overcoming barriers.<sup>63</sup>

Despite numerous systemic barriers, significant positive changes are taking place in the country towards inclusive general education, while, in fact, higher education institutions are completely inaccessible to women with disabilities. Obstacles arise both in terms of access to the physical environment of universities directly and in the process of passing the entrance exams. The lack of accessible transport to get to university often makes it also impossible to continue studies<sup>64</sup>. There are currently 43 women with disabilities enrolled in public and private universities across the country.<sup>65</sup> In terms of gender, there is a significant difference in the number of students involved in vocational education programs. As of 2020, 182 female and 264 male students with special educational needs were enrolled in vocational education programs.<sup>66</sup>

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60. In-depth interview with the representative of the Ministry of Education and Science of Georgia, 06.08.2021.

61. Ministry of Education and Science of Georgia, letter №MES 2 21 0000724182, 20.07.2021.

62. A rapid gender assessment of the COVID-19 situation in Georgia, UN WOMEN, 2020, is available at: <https://bit.ly/31pPmfv>

63. Focus group meetings with women with disabilities, 06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021.

64. Focus group meetings with women with disabilities, 06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021.

65. Ministry of Education and Science of Georgia, letter №MES 2 21 0000724182, 20.07.2021.

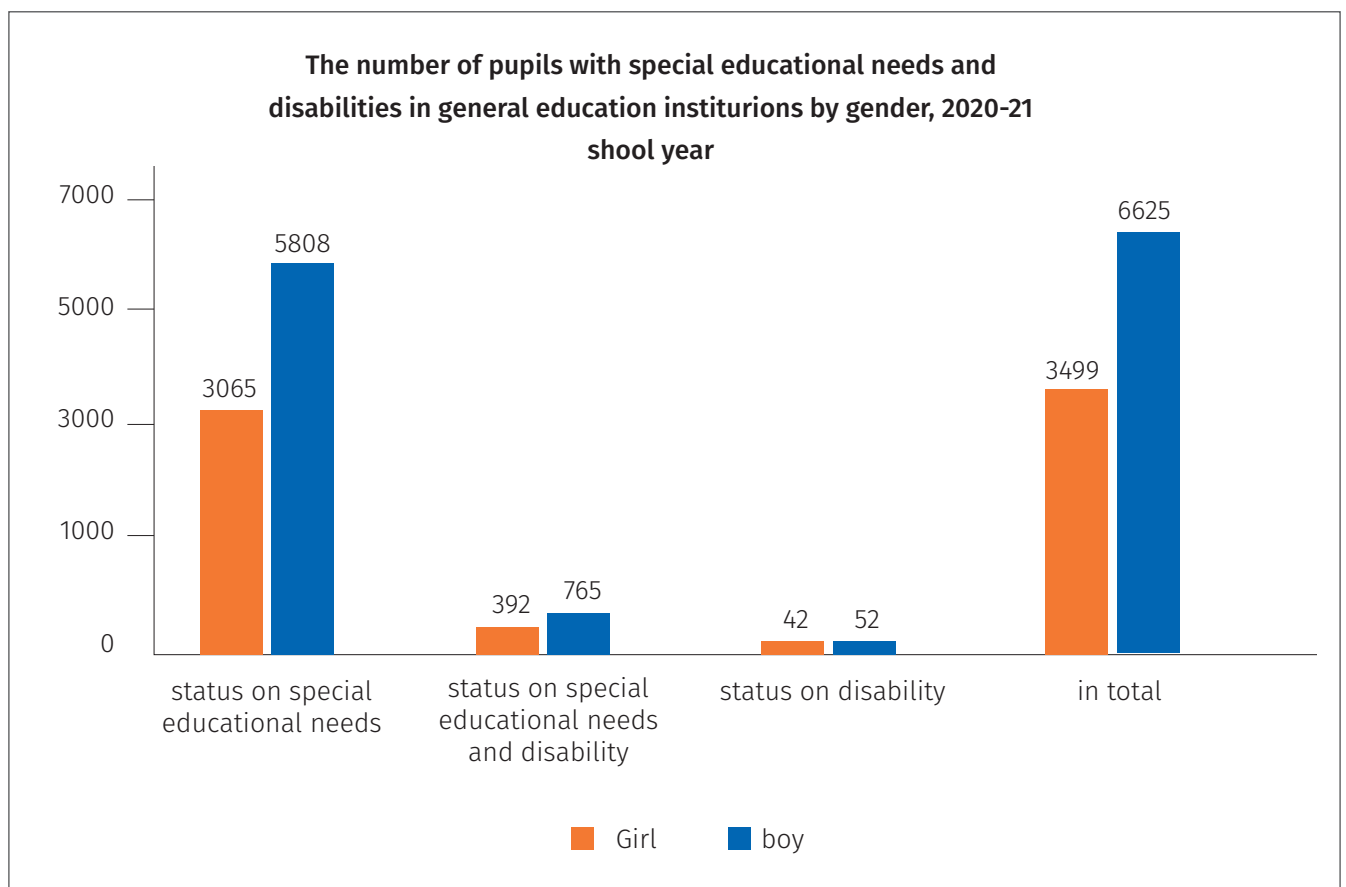
66. Ministry of Education and Science of Georgia, letter №MES 2 21 0000724182, 20.07.2021.

A different approach to the inclusion of girls and boys with disabilities in general education was found in the case of representatives of non-dominant ethnic groups according to the survey results. As with the general trend, in regions populated by non-dominant ethnic groups, boys with disabilities are more likely to be encouraged by families to receive a general education than girls with disabilities.

*“The boys with disabilities more actively attended schools, as the families wanted them to be active, but I could not take the girl I had worked with for years out of the house. If you do not make such stories known publicly in each case, the girls are not able to leave the house. There truly is a real difference both in the Georgian community and in ethnic minorities, where the problem is more acute.”* said an expert working with members of the non-dominant ethnic group.

The above-mentioned difference is also discussed by the expert on the issues of persons with disabilities in the study, who said that the advantage of education for a boy with disabilities over a girl stems from the perception of gender roles, according to which, a boy is a better family breadwinner, therefore, his abilities should be encouraged as much as possible.<sup>67</sup>

The opinion of the experts and persons with disabilities participating in the study on the gender inequality in the process of receiving general education is confirmed by the information provided by the Ministry of Education and Science of Georgia, which indicates a significant difference by gender in the number of students with disabilities and with special educational needs in schools.



67. In-depth interview with an expert working on the issues of persons with disabilities, 06.08.2021.

This problem becomes even more acute in the context of a legislative gap where the system relies entirely on the consent of the parent/legal guardian in the assessment of the individual needs of the child if the school has identified a need for a similar assessment.

## The right to health

The right of persons with disabilities to the highest standard of health is provided for in Article 25 of the Convention on the Rights of Persons with Disabilities. It, on the one hand, sets out the obligation to have equally accessible health programs, and on the other hand, obliges states to ensure access to medical services based on the individual needs of persons with disabilities. The Convention also establishes the need for a gender-sensitive and territorially accessible healthcare system based on the services provided by trained medical staff, non-discriminatory approaches, informed participation of persons with disabilities in decision-making, and ethical standards based on human rights, dignity and autonomy.<sup>68</sup>

The UN Convention on the Rights of Persons with Disabilities also provides an important legal framework for the promotion and implementation in practice of the sexual and reproductive health and rights of women and girls with disabilities.

According to the 24<sup>th</sup> General Recommendation of the UN Committee on the Elimination of All Forms of Discrimination against Women, women with disabilities of all ages often face barriers and difficulties in accessing health services. Women who have psychosocial needs are particularly vulnerable in this regard.<sup>69</sup> Importantly, the Committee's 35<sup>th</sup> General Recommendation considers the protection of sexual and reproductive health and rights as an aspect of the protection of the dignity and autonomy of women and girls.<sup>70</sup> Accordingly, the Committee considers cases of sexual and reproductive health and rights violations, such as forced sterilization, forced abortion, refusal to provide sexual and reproductive health information and services, or inadequate access, as a form of gender-based violence.

In terms of access to health services, some women and girls with disabilities are even more vulnerable in the absence of adequate support services. For example, deaf and hard of hearing women and girls face particular obstacles in the delivery of medical services. "State Program for Social Rehabilitation and Child Care 2021" approved by Resolution #825 of December 31, 2020, №825 "State Program for Social Rehabilitation and Child Care 2021" to receive services in a medical facility for the deaf living in Georgia to facilitate the necessary communication, provides services of 10 sign translators in at least eight regions of Georgia<sup>71</sup> (at least one translator in each of these regions). Among them, for minorities in Kvemo Kartli and Samtskhe-Javakheti regions, the services of sign language translators fluent in Azerbaijani and Armenian are provided. At the same time, the sub-program provider is obliged to protect the confidentiality of personal information received during the provision of services under the sub-program in accordance with the law.<sup>72</sup> Despite these positive changes, services are not fully available in all regions of Georgia, which in practice continues to impede access to health services for deaf and hard of hearing women and girls.

68. Research report "Access to Medical and Rehabilitation Services for Persons with Disabilities in Georgia", Movement "Accessible Environment for All", 2018, is available at: <https://bit.ly/3rnofg4>

69. UN Committee on the Elimination of Discrimination against Women (CEDAW), CEDAW General Recommendation No. 24: Article 12 of the Convention (Women and Health), 1999, A/54/38/Rev.1, Para 25 5.

70. UN Committee on the Elimination of Discrimination against Women (CEDAW), CEDAW General Recommendation No 35 on gender-based violence against women, updating general recommendation No. 19, Para 18, 2017, CEDAW/C/GC/35.

71. Except for Tbilisi - the service is provided by the relevant service of the Tbilisi Municipality.

72. Ministry of IDPs from the Occupied Territories of Georgia, Labor, Health and Social Affairs, letter №01/10830, 22.07.2021.



According to the information provided by the Ministry of Health<sup>73</sup>, when accessing the physical environment of medical institutions, they are guided by the Resolution of the Government of Georgia № 359 of November 22, 2010 “On the Approval of Technical Regulations for High-Risk Medical Activities”, as well as the Resolution of the Government of Georgia №385 on the Approval of the Regulations on the Rules and Conditions for Issuing a License for Medical Activities and a Permit for an Inpatient Institution, which stipulates the mandatory provision of conditions necessary for safe movement of persons with disabilities in inpatient facilities.

It is important that the Law of Georgia on the Protection of the Rights of Persons with Disabilities, in accordance with the Convention, includes the principle of reasonable accommodation (Article 2, paragraph c) and the obligations based on it (Article 5, paragraph 2). It should be noted that the law, like the Convention, separates women with disabilities as a separate article (Article 6), although this article does not address the problem of intersecting and multiple discrimination of women with disabilities as set out in the Convention (CRPD, Article 6).<sup>74</sup>

The record on reproductive health and protection also appeared in the 2020 Law on the Rights of Persons with Disabilities. However, it should be noted that the law only focuses on reproductive health rights and the legislative record does not mention sexual health and related rights.<sup>75</sup>

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. In addition, the main problem is the issue of access to health services and information and non-compliance with the obligation of reasonable access. Women and girls with disabilities do not have the full opportunity to enjoy equal access to all possible sexual and reproductive health services and facilities. They as a rule, fail to receive the required medical care by meeting the appropriate standards and quality, which is facilitated by the low qualification of the medical staff and a discriminatory approach towards women and girls with disabilities. Most of the state health and social care programs in the country do not meet the needs of people with disabilities. Involvement of persons with disabilities in the state program of universal health care, as well as in referral services, rural doctors and other programs is problematic.<sup>76</sup>

State-recognized clinical practice manuals in the field of mental health, the so called ‘national guidelines’<sup>77</sup> are outdated and need to be updated. Most of them, unlike international guidelines, do not contain a special chapter that deals directly with a woman’s sexual and reproductive health. There is no guide in the country to help treat a woman with a mental health problem during pregnancy. In addition, medical staff at work are less guided by the minimum recommendations for reproductive health offered in national guidelines.<sup>78</sup>

The Law of Georgia on Psychiatric Care defines the legal and organizational basis of psychiatric care, the

73. Ministry of IDPs from the Occupied Territories of Georgia, Labor, Health and Social Affairs, letter №01/10830, 22.07.2021.

74. The research report “Legislative Analysis of Sexual and Reproductive Health and Rights of Women and Girls with Disabilities, Review and Analysis of State Programs”, UNFPA, 2020, is available at: <https://bit.ly/3FXg9i6>

75. Law of Georgia on Protection of the Rights of Persons with Disabilities, Article 6, paragraph 3.

76. The research report “Legislative Analysis of Sexual and Reproductive Health and Rights of Women and Girls with Disabilities, Review and Analysis of State Programs”, UNFPA, 2020, is available at: <https://bit.ly/3FXg9i6>

77. “Treatment and Management of Adult Schizophrenia”, National Recommendation for Clinical Practice (Guideline), source available: <https://bit.ly/3s867ar>; Treatment and Management of Depression in Adults, National Recommendation for Clinical Practice, Source Available: <https://bit.ly/31Ocd4k>

78. Special report “The state of women’s sexual and reproductive health and protection of rights in psychiatric and state care institutions”, Public Defender of Georgia, 2020, is available: <https://bit.ly/3zyfUt>

forms of psychiatric care for persons with mental disorders, their rights, as well as the rules and conditions of the work of psychiatric workers. However, the law does not take into account gender specifics in finding the necessary psychiatric care and does not indicate the need for care for a woman's reproductive health. The guiding principle of the Mental Health Development Strategy Paper and Action Plan<sup>79</sup> 2015-2020 is to prioritize the needs of particularly vulnerable groups of the population (e.g., children, adolescents, women, the elderly, IDPs, persons with disabilities and persons in penitentiaries). However, the plan does not include the obligation to take specific measures to ensure the protection of the rights of women with mental health problems. The National Guidelines for the Treatment of Patients with Mental Health Problems<sup>80</sup> also provide incomplete, fragmented and unsystematic information on the protection of their sexual and reproductive health in the treatment of female patients.<sup>81</sup>

## Practive Analysis

In terms of protecting the health of women with disabilities, as in other areas, the lack<sup>82</sup> of comprehensive and segregated statistics and access to the physical environment of medical facilities is problematic.<sup>83</sup>

The ombudsman's 2019 National Assessment of Sexual and Reproductive Health and Rights specifically addresses infrastructural problems for women with disabilities as an additional barrier to accessing health services. An important problem for women with disabilities in obtaining family planning services is the non-adaptation of clinics, which means not only the inadequate arrangement of buildings, but also the non-adaptation of the clinic's inner perimeter, the services and equipment available in the clinic.<sup>84</sup>

Due to the problem of access to medical facilities, women with disabilities often refuse to visit a doctor at all, which ultimately has a negative impact on their health. In addition to access to the physical environment, access to medical manipulations is also problematic. Unadapted gynecological chairs are a particular difficulty in this regard, as across the country, gynecological offices and gynecological chairs are not suitable for the needs of women in wheelchairs, making proper gynecological examination impossible.<sup>85</sup> Because of this, women with disabilities are often deprived of the opportunity to receive the services of a gynecologist.<sup>86</sup>

According to the study, physical access to health services, combined with inadequate qualifications of doctors and stereotypical attitudes, poses a significant problem during pregnancy and childbirth. The woman with disabilities in the study talks about the difficult experience that started from the first day of pregnancy and continued until she left the maternity hospital. She said that the condition of the maternity ward and the lack of tailored services were often associated with excruciating pain and equated to inhuman treatment.

79. Resolution of the Government of Georgia of December 31, 2014 on the Approval of the Strategic Document for Mental Health Development and the Action Plan for 2015-2020, №762.

80. "Treatment and Management of Adult Schizophrenia", National Recommendation for Clinical Practice (Guideline), available at: <https://bit.ly/313gUld>, "Treatment and Management of Depression in Adults", National Recommendation for Clinical Practice, available: <https://bit.ly/3xEzW36>

81. Special report "The state of women's sexual and reproductive health and protection of rights in psychiatric and state care institutions", Public Defender of Georgia, 2020, is available: <https://bit.ly/3xzyfUt>

82. Thematic Survey of the Parliament of Georgia on Access to Health Services for Women and Girls with Disabilities, 2019.

83. Research Report "Legislative Analysis of Sexual and Reproductive Health and Rights of Women and Girls with Disabilities, Review of State Programs", UNFPA, 2020, is available: <https://bit.ly/3FXg9i6>

84. Special Report "Sexual and Reproductive Health and Rights: A National Assessment - Key Findings", Office of the Public Defender of Georgia, 2019, Available: <https://bit.ly/315rrTu>

85. Special Report "Sexual and Reproductive Health and Rights: A National Assessment - Key Findings", Office of the Public Defender of Georgia, 2019, available at: <https://bit.ly/315rrTu>

86. Foruc-group meetings with women with disabilities, 06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021.

The problem started from the moment of entering the medical facility, because the ramp was installed without standards, which is why a woman with disability using a wheelchair could not use it independently. If someone came in, because of the unadapted inner perimeter, he could not move here, he could not use the bathrooms [not to mention the toilet, as I needed to urinate so often, we already have a problem with that, we find it difficult to restrain and at this time. I was very ashamed, once I could not get in the taxi to get wet because there was no toilet]. Due to problems with access to the physical environment, a woman with disabilities often failed to see a doctor in a timely manner, causing one of the fetuses to stop growing. The problem of access to the physical environment and the qualifications of doctors were also found to be a severe experience for a woman with disabilities during childbirth.

*“Then where I gave birth, the bathroom was not adapted. When the baby was born, I could no longer afford to buy porridge for the baby, whatever I had was spent on all this. I received all kinds of moral and material damage. When I was in labour, I had a very good doctor, he treated me well, but after I gave birth and lay with my paralysed legs on a bed in the ward, my husband was helping me, and when he left for a while, nobody could help me when they had to take echo pictures. I had such terrible pains when they pushed my legs to the sides, that when my husband came back I was still crying and he could not put my legs in order after that procedure.”, said a woman with disabilities.*

Along with women with disabilities, girls with disabilities also face the problem of access to medical services due to insufficient knowledge of doctors and attitudes towards the needs of people with disabilities.

*“The medical field is not ready to take these children and serve them, they have no knowledge of communication. Also, there are no free screening centers for girls or women with disabilities, they are not physically available, and the staff is not ready to accept these children and women either,” said the parent of the girl with disabilities.*

Problems with the health care rights of women and girls with disabilities are often caused by lack of access to information and insufficient awareness. In particular, rural women and girls and members of ethnic minorities often do not even have information about the exceptional programs they can participate in. At the municipal level, women and girls with disabilities are not segregated separately, health and social care programs for people with disabilities are also often lacking in strategy, and are limited to more one-time cash assistance.<sup>87</sup> In addition to the problem of access to the physical environment, transport and services, an additional barrier is the lack of knowledge of the state language in regions populated by non-dominant ethnic groups. Because of this, they are unable to receive quality medical and rehabilitation services. Adding to the language barrier is the lack of rehabilitation services in most areas, which has a particularly negative impact on children with disabilities, including girls.<sup>88</sup>

Effective implementation of sexual and reproductive health and rights of women and girls with disabilities in practice is hampered by inadequate knowledge of medical professionals and physicians, low levels of sensitivity and competence.<sup>89</sup> The special report of the Public Defender of Georgia, which assessed the state of sexual and reproductive health and protection of women in psychiatric and state care institutions, revealed

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87. Thematic Survey of the Parliament of Georgia on the Access to Health Services for Women and Girls with Disabilities, 2019.

88. In-depth interview with an expert working with representatives of the non-dominant ethnic group, 17.09.2021.

89. Research Report “Legislative Analysis of Sexual and Reproductive Health and Rights of Women and Girls with Disabilities, Review and Analysis of State Programs”, UNFPA, 2020, is available: <https://bit.ly/3FXg9i6>

that doctors' low awareness of reproductive health and rights significantly hinders the quality of psychiatric care and state care for nursing mothers. It is the low qualification of the medical staff that is the reason why the reproductive health needs of the patients are not taken into account even after the stabilization of the acute mental disorder.<sup>90</sup>

Along with the problem of access to the physical environment and medical manipulations, often a hindering factor is the stereotypical attitude of physicians when receiving gynecological services. The situation becomes even more complicated if the woman is also a representative of the Lbtk + community. According to the results of the study, due to the stereotypical and negative attitudes of doctors, women members of the LBTK + community are able to go to only a few gynecologists who are qualified and, at the same time, free from stereotypical attitudes. However, as this service is mainly located in Tbilisi, it is virtually inaccessible to women living in the region. Added to this is the fact that the services of these gynecologists are mostly not covered by insurance companies.<sup>91</sup> A similar problem is with women with disabilities in rural areas who do not actually have access to gynecologist services and whose reproductive and sexual health is not considered a right.<sup>92</sup>

The attitude of the medical staff can be said to be one of the main problems in the protection of the right to health. In addition to often being abusive in their addresses to women with disabilities, they often do not even talk to them and prefer to interview their companion.<sup>93</sup>

The problem of communication with doctors is discussed by women with hearing impairments participating in the study. In addition to the fact that doctors do not know how to talk to them when asked to repeat what is being said, they become irritable and address it very rudely. Because of this, often women who are deaf or hard of hearing even refuse to see a doctor or take accompanying persons. However, the issue of accompanying a person becomes problematic, for example, during a visit to the gynecologist, when the issue of providing confidential information becomes even more relevant.

*“Doctors are a very difficult field, they do not understand how they should talk to us, they prefer to contact our companions. Personally I have noticed that they become more annoyed when I ask them to repeat what they have said. There is such an attitude and that is why I try not to go alone and have a companion be me. But,ynecology is a topic you do not want to let others know.” a woman with disabilities.*

Communication with doctors was further complicated by the covid-19 pandemic, when it became completely impossible for women with hearing loss keep a dialogue with doctors while wearing face masks.<sup>94</sup>

Lack of awareness of women with disabilities about family planning services/contraception significantly hinders them from receiving the necessary and adequate services. Women with disabilities who have disabilities from an early age have less information about contraception than women who acquired disabilities in adulthood.

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90. Special report “The state of women's sexual and reproductive health and protection of rights in psychiatric and state care institutions”, Public Defender of Georgia, 2020, is available:<https://bit.ly/3xzyfUt>

91. n-depth interview with a social worker working with the LGBTQ + community, 08.09.2021, 10.09.2021.

92. In-depth interview with an expert working with representatives of the non-dominant ethnic group, 17.09.2021.

93. Focus group meeting with women with disabilities,06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021.

94. Focus group meeting with women with disabilities,06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021.

Obtaining gynecological services for women who are deaf or hard of hearing is problematic - medical facilities do not have an interpreter and a woman with a disability is required to bring an interpreter (or a family member who acts as an interpreter) herself to obtain the service, which precludes confidentiality.<sup>95</sup>

The results of the study showed that sexual and reproductive health and rights are most ignored in the case of women with mental health problems. No sooner than a woman is diagnosed with a mental health problem, that her sexual and reproductive health and rights are considered irrelevant, and doctors too don't provide them with proper information. During a mental health problem, medications are prescribed in such a way that doctors do not warn them about the side effects, which may also be related to the cessation of the menstrual cycle.<sup>96</sup>

The parents of girls with disabilities participating in the survey talk about the lack of information on sexual and reproductive health and rights. They find it difficult, without the help of appropriate qualified personnel, to provide their children with information on how to maintain personal hygiene during menstruation, how to inform them about sexual life, safe sex and appropriate remedies.

*"I anticipate with a little fear the time when because of age specific peculiarities arise, I don't know how to talk, how to explain, what to do, I will need additional information from specialists. We will need the help of a specialist, which we have not yet found, but we are actively looking for this information. "Parents do not have the luxury of receiving this information from a qualified person." a parent of a girls with disabilities.*

The situation of women's sexual and reproductive health and rights protection in psychiatric institutions is especially problematic, as women's sexual and reproductive health status is not assessed before starting treatment with psychotropic drugs. Access to the necessary laboratory tests is problematic for both psychiatric and public care facilities. Gynecological services are not adequately provided for women who are placed in institutions for long periods of time. Women with mental health problems are not included in the state screening program for early detection of diseases (except for hepatitis C screening). Particularly problematic is the inaccessibility of studies provided by the State Program for Breast and Cervical Cancer Screening. According to the research of the Public Defender, in one of the psychiatric institutions, a case of deliberate decrease of libido was revealed through the use of medication not provided by the guidelines.<sup>97</sup>

Under the Covid-19 pandemic, the health care system was not ready to serve people with disabilities. Barriers in the health care system, problems with access to the physical environment, and the qualifications and competencies of physicians in communicating with persons with disabilities have become even more pronounced. According to women with disabilities, the state also failed to meet their needs during the vaccination process. Likewise other areas, deaf and hard of hearing women also found it difficult to deal with the pandemic. In addition to being in a complete information vacuum, they also lost the small income they had previously received, unable to go to the doctor at all. The reason for this was that sign language translators switched to online services and had no one to accompany them during their visits with the doctors.<sup>98</sup>

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95. Special Report "Sexual and Reproductive Health and Rights: A National Assessment - Key Findings", Office of the Public Defender of Georgia, 2019, Available: <https://bit.ly/315rrTu>

96. Focus group meeting with women with disabilities, 06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021.

97. The special report "The state of women's sexual and reproductive health and protection of rights in psychiatric and state care institutions", Public Defender of Georgia, 2020, is available: <https://bit.ly/3xzyfUt>

98. Focus group meetings with women with disabilities, 06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021.

## Labor and Employmen and Social Protection

The realization of the right to work and employment of women with disabilities in practice is directly related to the effective exercise of a number of rights guaranteed by the Convention on the Rights of Persons with Disabilities, for example, protection of the right to private and family life, right to independent living, involvement in public life, etc. Consequently, the positive measures taken by states to protect the right to work and employment in order to achieve economic independence for women with disabilities are of particular importance.

For the citizens of Georgia, to promote their employment, state programs have been implemented throughout the country since 2015, which are approved by a resolution of the Government of Georgia. The programs provide various activities / events. Vulnerable groups, including people with disabilities, have a pre-emptive right among the beneficiaries of the program.

There are currently two employment promotion programs in the country: 1. State program for professional development of job seekers, which aims to develop/strengthen active labor market policies and employment promotion services in the country, increase the competitiveness of job seekers and thus promote employment and 2. State program for the development of employment promotion services, which aims to develop/ implement active labor market policy and employment promotion services in the country.

In addition, the state program for the development of employment promotion services provides for two components that are directly intended for persons with disabilities. These are: 1. Development and implementation of mechanisms to facilitate the employment of vulnerable, low-competitive groups (by subsidizing wages), with the aim of introducing employment support services for vulnerable, low-competitive individuals and 2. Job Compensation Subsidy component, which aims to compensate the employment of beneficiaries employed in new or existing, vacant jobs by facilitating the employment of young people with disabilities, by reaching an agreement with employers, in order to facilitate the employment of young people with vulnerable groups.<sup>99</sup>

### Practice Analysis

Employment is a prerequisite for independent living for all people. Economic independence often gives people the opportunity to take control of their own lives. In a situation where women with disabilities face many social, systemic or dependent barriers in society, effective employment policies may be a prerequisite and a stimulus for them to promote independent living. Despite its crucial role in employment, it is one of the most difficult rights for women with disabilities to exercise in Georgia today. Often this can be due simply to a stereotypical or paternalistic attitude, thinking that a woman with a disability does not need a job because there can be a lot of obstacles in the place of employment.

Today, programs and initiatives implemented for the economic empowerment of people with disabilities in the country are minimal, as their main source of income is mostly assistance provided through social packages. People with disabilities are minimally employed in public or private services due to lack of accessible environment, qualifications, reasonable work environment and conditions.<sup>100</sup> According to the Civil Service Bureau, information about the positions held by persons with disabilities in the civil service and the

99. Ministry of IDPs from the Occupied Territories of Georgia, Labor, Health and Social Affairs, letterN201/10573, 16.07.2021.

100. Gender Policy Assessment of Local Self-Government Bodies Public Defender of Georgia 2020, <https://bit.ly/3lqsWBR>

sign of disability is not kept in the bureau. According to the same agency, a total of 27 people are employed in the ministries and offices of the State Minister. Out of these, 11 men and 0 women are professional public servants, 6 women and 10 men are employed on a contract basis.<sup>101</sup>

As part of the study, we requested information from all municipalities on existing social, employment and public and political participation programs for the protection of the rights of women and girls with disabilities. According to the information provided by 55 municipalities, the specific program aimed at promoting the employment of persons with disabilities, including women with disabilities, does not work in any of the municipalities. However, some City Hall and City Council municipalities have employed persons with disabilities. The analysis of the information received from the municipalities shows that persons with disabilities are employed in only 18 municipal bodies<sup>102</sup>. According to the information provided, most of the employed persons with disabilities are men with disabilities, a total of 79 men with disabilities and 35 women with disabilities are employed.

Based on the results of the research, the employment programs operating in Georgia today often bear a formal character, which is caused, on the one hand, by physical barriers and, on the other hand, by the unpreparedness of employers and employment places, to be able to use resources and involve these people in active work. However, at the initial stage, a physical barrier should be stressed, which often pushes people to even to quit their jobs.

*“I passed the teachers’ exam, three exams, I left the school because I could not conduct a lesson, and not because of that, but because the environment was not adapted. In Georgia, mostly unadapted environment hinders, hinders people with disabilities.” a woman with disabilities.*

People with disabilities face severe economic problems in Georgia and are rarely employed. The state programs that involved their employment were largely unsuccessful - only 99 out of 6,073 applicants found employment through the social service agency’s “worknet” portal. Even in cases when people with disabilities find work, they are more vulnerable than others to losing their jobs in a situation where the general economic circumstances are deteriorating and jobs are shrinking. The ineffectiveness of employment programs is even more noticeable in the case of women with disabilities, as evidenced by statistics.<sup>103</sup> Data from individuals enrolled in the State Program for Professional Development of Job Seekers in 2015-2021 show that between 2015-2019 years none of the women with disabilities benefited from this program.<sup>104</sup>

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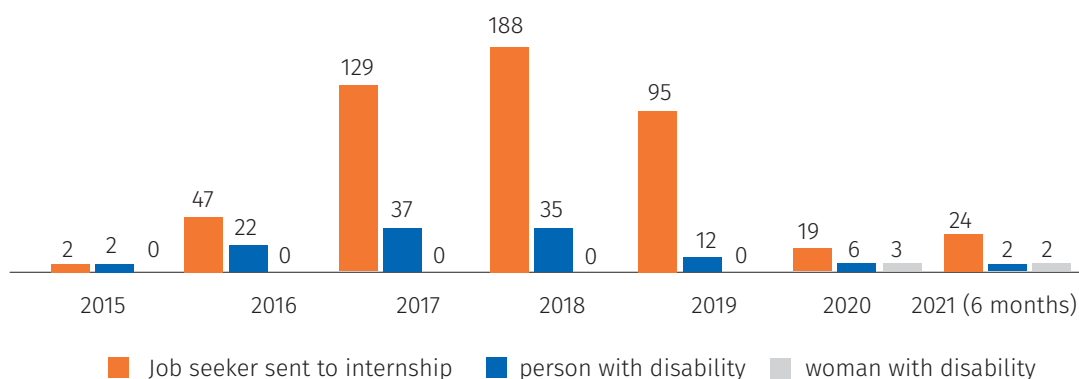
101. Civil Service Bureau, letter №89894, 20.07.2021.

102. Abasha Municipality (6 men, 2 women), Aspindza Municipality (1 woman), Akhmeta Municipality (2 men), Baghdati Municipality (6 men, 2 women), Bolnisi Municipality (1 woman), Dmanisi Municipality (1 woman), Tbilisi Municipality (2 men, 4 women), Tianeti Municipality (3 women with disabilities), Marneuli Municipality (1 woman), Martvili Municipality (1 woman), Sagarejo Municipality (3 men, 2 women), Samtredia Municipality (2 men, 2 women), Sighnaghi Municipality (2 men, 2 women), Tkibuli Municipality (8 men) 2 women), Keda Municipality (1 woman), Shuakhevi Municipality (1 man, 2 women), Tsageri Municipality (27 men, 4 women), Khobi Municipality (6 women).

103. A rapid gender assessment of the COVID-19 situation in Georgia, UN WOMEN, 2020, is available at: <https://bit.ly/31pPmfv>

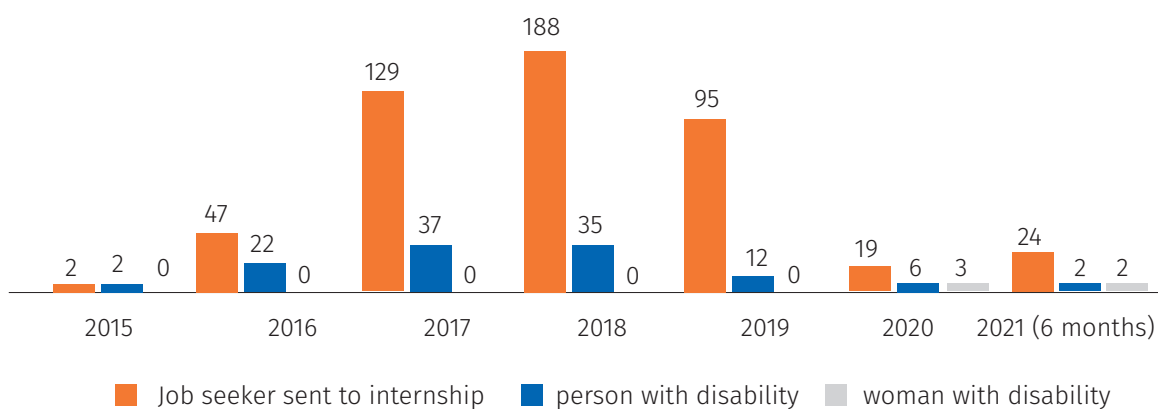
104. Ministry of IDPs from the Occupied Territories of Georgia, Labor, Health and Social Affairs, letter№01/10573, 16.07.2021.

**Statistics of the State Program for Professional Development of Job Seekers for 2015-2021**



A similar trend to the state program for professional development of job seekers is reflected in the internship program, under which, in 2015-2019, no women with disabilities were sent for internships at the place of employment.<sup>105</sup>

**Number of participants within the frames of internship component**



The results of the study showed that the low employment rate of women with disabilities is often related to the fact that they did not have access to education and among them, they had less access to general or higher education than boys with disabilities. Also, the possibility of employing deaf and hard of hearing people in this regard should be singled out as a separate specific problem, as their involvement in the education system is even lower.

*“The main problem we face before employment is education, because neither the school nor the university is adapted in any way for a deaf person to receive a perfect education. “Sometimes we still manage, but then the permanent refusal from the place of employment begins, as soon as they realize that you have some disabilities, no one wants to have problems and so, we are left without any chance,*

105. Ministry of IDPs from the Occupied Territories of Georgia, Labor, Health and Social Affairs, letter №01/10573, 16.07.2021.



*and we have to fight tenfold to prove that we can do something like other people can.” a woman with disabilities.*

The research has shown that a significant barrier to employment for people with disabilities is the attitude established at the place of employment, the willingness of other employees to be able to communicate with a person with disabilities. Although the State Employment Promotion Agency has supportive employment consultants, their duties are, in fact, limited to registering with the employment portal of persons with disabilities, while they must be actively involved in just creating a friendly and environment directed at meeting the needs of persons with disabilities at the place of employment. This problem is acute for people with hearing impairments, including women.<sup>106</sup>

*“There are no people in any service who know what hearing impairment is and respond adequately. At first they find it very difficult to understand what problem they are dealing with, then they start thinking how they should treat us to make us understand. And these are problems that last for quite a long time.” a woman with disabilities.*

The additional needs of women with disabilities in the workplace are discussed by women with disabilities in the study, which differ from the needs of men with disabilities. It is important for the employer to have a vision and policy in this regard. According to the study participants, such a topic could be harassment in the workplace, including sexual harassment. Creating an appropriate environment for women with disabilities in the workplace is hampered by the general lack of knowledge of employers about the needs of women with disabilities.<sup>107</sup>

In terms of creating an adequate standard of social protection and living, research has shown that programs fail to meet the needs of women and girls with disabilities. According to the representative of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, their programs are not focused on the needs of women and girls with disabilities, which, in his opinion, is problematic. Neither does the state care agency have programs for women with disabilities.<sup>108</sup>

Despite the fact that in the absence of protection of the right to work and employment, social assistance and services determine mainly the degree of independence of persons with disabilities in the country, they do not minimally address the problems faced by persons with disabilities, including women with disabilities. Social programs do not define the needs of persons with disabilities on an individual level. Very often, the beneficiaries in the programs are solely persons with concrete disabilities.<sup>109</sup> There is a tabgible difference in the statistics of the presons with a status of receiving social packets according to gender. In 2020, the statistics on the issuance of state benefits (social package, state compensation) on the basis of disability status for adults included a total of 10,740 persons. Of these, 6667 were males and 4073 females. Similarly, there is a significant difference in the sex of individuals under 18 years of age. A total of 1526 minors were granted pensions, of which 949 were boys and 577 were girls.<sup>110</sup>

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106. Focus group meeting with women with disabilities, 06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021.

107. Focus group meeting with women with disabilities,06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021.

108. In-depth interview with a representative of the State Care Agency,24.09.2021.

109. Compliance of social and health care programs of self-governing bodies with the principle of equality, Office of the Public Defender of Georgia, 2021, <https://bit.ly/3EghrUP>

110. LEPL Social Service Agency, letter №04/7522, 20.07.2021.

## Participation in political and public life

The issue of women's participation in political and public life is generally a problem in the country. In Georgia, women's participation in decision-making is very low: women make up 15% of the parliament and 13.4% of the Sakrebulo.<sup>111</sup>

The issue of participation in political and public life plays an important role in the lives of women with disabilities, it is a precondition and a kind of guarantee for achieving their personal autonomy and dealing with the problems and self-advocacy of women and girls with disabilities on the policy agenda. Despite the special importance of the right, the social, economic or environmental barriers that the women with disabilities face, actually exclude them from the political and public life.<sup>112</sup>

### Practice Analysis

Women with disabilities are deprived of the opportunity to participate in policy-making and decision-making processes at the local level. In addition to the lack of programs and initiatives by the state, the problem is the low motivation of women with disabilities themselves to be actively involved in public life, which is related to the difficulties of access to the environment and the stigma in the society. As for the access of persons with disabilities to the physical environment, most public institutions, including the City Council and City Hall buildings, are inaccessible.<sup>113</sup>

Based on the information received from 55 municipalities, a specific measure aimed at protecting the right of women with disabilities to participate in political and public life does not work in any of the municipalities. An exception could be the Women's Room set up at Adigeni Municipality, which aims to empower and protect the rights of women, including women with disabilities.<sup>114</sup>

As for the councils working on the issues of persons with disabilities at the municipal level, according to the information of 55 municipalities, such councils function in almost all municipalities, and persons with disabilities are involved in their activities. But only 20 of the women with disabilities are involved in the work of the municipal council.<sup>115</sup> Attendance at board meetings is also a problem for board members with disabilities. Even in conditions where the physical environment is more or less orderly, the quality and inclination of the ramps are problematic. People with disabilities have the feeling that even in the presence of a ramp, it is only formal in nature and is not actually intended for the free movement of people with disabilities.<sup>116</sup>

Although people with disabilities are relatively actively involved in the work of councils for persons with disabilities, their participation in the gender council is still minimal. It should be noted that the issue of their attendance at the councils is also a problem, as the Sakrebulo buildings are mostly inaccessible.<sup>117</sup>

According to Article 33 of the Convention on the Rights of Persons with Disabilities, involvement in the decision-making process implies the effective involvement of persons with disabilities in the very early stages of policy development related to the protection of the rights of persons with disabilities. The results of the research

111. Gender Equality in Georgia: Barriers and Recommendations, Part I, 2018, Available at: <https://bit.ly/3DdNO5l>

112. Study of the Needs of Women with Disabilities for the Future Empowerment of Women, Research Report, Partnership for Human Rights (PHR), 2020, Available: <https://bit.ly/3Ga72dQ>

113. Gender Policy Assessment of Local Self-Government Bodies, Public Defender of Georgia, 2020, <https://bit.ly/3lqsWBR>

114. Adigeni Municipality, letter №2371/09, 23.07.2021.

115. Baghdati, Bolnisi, Dmanisi, Zugdidi, Ninotsminda, Lanchkhuti, Lagodekhi, Marneuli, Oni, Martvili, Rustavi, Sagarejo, Samtredia, Sachkhere, Tkibuli, Poti, Kareli, Shuakhevi, Khobi and Khulo municipalities.

116. Gender Policy Assessment of Local Self-Government Bodies, Public Defender of Georgia, 2020, <https://bit.ly/3lqsWBR>

117. Gender Policy Assessment of Local Self-Government Bodies, Public Defender of Georgia, 2020, <https://bit.ly/3lqsWBR>

showed that the involvement of persons with disabilities in the decision-making process is of a formal nature and does not serve a real study of their opinions on a particular issue. According to the participants with disabilities in the study, it is important that women with disabilities are actively involved in the planning and/ or policy development process. This issue is even more relevant because women with disabilities themselves are not given the opportunity to talk about their problems, the policy and agenda for the protection of the rights of women with disabilities and girls are again determined by men.

*“When any program is developed, we should not be offering persons with disabilities to have a look at an already made document, but we have to get them involved in the creation process, they should have a sense of belonging as much as possible. There is a hierarchy between people with disabilities themselves, according to their physical disabilities, and also, men are more involved and this inequality must be provided for when we talk about involvement,” a representative of the organization working on the rights of people with disabilities.*

Men with disabilities are also actively involved in setting the political agenda in the case of non-dominant ethnic groups, where women are increasingly isolated from society. Research has shown that while men are active in the policy-making process, they are never seen attending meetings on the topic of children with disabilities and only mothers are active. According to the focus group participants, this once again confirms the gender roles that often play key role in the protection of the rights of women, including women with disabilities.<sup>118</sup>

Research on the inclusion of women with disabilities in public life has identified a significant barrier to access to public transport. Because of this problem, women are often unable to go out and engage in active community life even if they wish to. This issue is even more acute in the case of persons with sensory impairments, as the existing transport infrastructure is inaccessible to them. Adapted toilets related to involvement in public life have also emerged as a significant problem, which is even more relevant in the case of women with disabilities.<sup>119</sup>

The research has shown that engaging in public life and exercising the right to an independent life is often hampered by the negative, or attitudes grounded on pity, that are established in society towards women with disabilities. This issue often forces women with disabilities to refuse to go out and find themselves even more isolated from social life.

*“I encountered more obstacles from the public, when I got out and heard voices, oh, poor thing! It took me a long fight with myself in general, to get over this feeling and go out again at all, when all the people are looking at you, it is very difficult. I was often told, however your mother lets you out of the house.” a woman with disabilities.*

Such an attitude often pushes family members towards complete isolation of women and girls with disabilities. This problem is faced by both ethnic Georgians and other non-dominant ethnic groups. Such closure and detachment from social activities ultimately further harms women and girls with disabilities and prevents them from exercising all other rights.<sup>120</sup>

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118. In-depth interview with an expert on non-dominant ethnic groups, 17.09.2021.

119. Focus group meeting with women with disabilities, 06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021.

120. In-depth interview with an expert working with representatives of a non-dominant ethnic group, 17.09.2021; Focus group meetings

# RECOMMENDATIONS

## **To the government of Georgia:**

- ✓ Establish a family support sub-program for women with disabilities in state programs for social protection and child care, which will enable women with disabilities to cope effectively with their parental responsibilities.
- ✓ The Interagency Coordinating Committee for the Enforcement of the Convention on the Rights of Persons with Disabilities, within its competence, shall ensure:
- ✓ Encourage coordination between agencies to systematically improve the protection of the rights of women and girls with disabilities;
- ✓ Introduction of services aimed at protecting the rights of women and girls with disabilities;
- ✓ Take appropriate measures to change stereotypical attitudes towards women and girls with disabilities by professionals employed by the public and government agencies in various fields;
- ✓ In protecting the rights of women and girls with disabilities, take into account the diversity of women and girls with disabilities in accordance with the requirements of the Convention on the Rights of Persons with Disabilities.

## **To the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia:**

- ✓ Increase the number of psychologists working with women and girls with disabilities who are victims of violence
- ✓ The physical environment of pediatric institutions should meet the needs of all persons with disabilities
- ✓ Develop a mechanism for continuous training of medical staff in the field of rights and communication with persons with disabilities and in this process pay special attention to raising the knowledge and skills of pediatricians, gynecologists and maternity staff
- ✓ Make medical procedures available to women with disabilities, including the use of adapted gynecological chairs
- ✓ In order to realize the right to social protection of women with disabilities, to assess the needs of women with disabilities and to create special programs to meet them
- ✓ Take into account the needs of women with disabilities in the process of developing employment support mechanisms for vulnerable, low-competitive groups within the framework of the state program for the development of employment promotion services
- ✓ Ensure that employers involved in the State Employment Promotion Services Development Program are aware of the needs of women with disabilities
- ✓ Ensure enhancement of the supportive employment consultants's knowledge on the rights and employment needs of women with disabilities.

## **To the Ministry of Education and Science of Georgia:**

- ✓ In order to increase the accessibility of education for girls with disabilities, conduct relevant research and plan appropriate activities based on it, including taking into account the needs of girls with disabilities from non-dominant ethnic groups.
- ✓ Start producing segregated statistics for all levels of education in order to provide quality inclusive education for girls with disabilities.

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with women with disabilities, 06.08.2021, 10.08.2021, 11.08.2021, 16.08.2021

### **To the Ministry of Internal Affairs of Georgia:**

- ✓ Provide access to the physical environment of police premises for all women and girls with disabilities, and in the process take into account the needs of women and girls with disabilities to move independently on a sensory and physical basis.
- ✓ Persons involved in the investigation of violence against women and girls with disabilities and all other crimes should be trained in the needs of women and girls with disabilities and the standards of communication with them.
- ✓ Examine the victim's mental health and schedule a psychiatric examination only when there is a reasonable suspicion of a victim's mental health problem and when the condition could have affected the information provided by the victim about the violence to law enforcement.
- ✓ Ensure that the investigation/prosecution of sexual assault crimes are not terminated solely on the grounds that the victim is unable to testify due to physical or mental health conditions.

### **To the Prosecutor's Office of Georgia:**

- ✓ Persons involved in the investigation and prosecution of violence against women and girls with disabilities and all other crimes should be trained on the needs of women and girls with disabilities and the standards of communication with them.
- ✓ Examine the victim's mental health and schedule a psychiatric examination only when there is a reasonable suspicion of a victim's mental health problem and when the condition could have affected the information provided by the victim about the violence to law enforcement.
- ✓ Ensure that investigations / prosecutions of sexual assault crimes are not terminated solely on the grounds that the victim is unable to testify due to physical or mental health conditions.

### **To the LEPL Agency For State Care And Assistance For the (Statutory) Victims of Human trafficking**

- ✓ Provide access to the physical environment of violence victims' shelters and crisis centers for all women with disabilities
- ✓ Provide continuing education for staff of shelters for victims of violence and crisis centers on the rights of women with disabilities and standards of communication with them
- ✓ In order to protect the rights of parents of women with disabilities living in boarding houses for persons with disabilities, to place children in foster families as close as possible to the territory
- ✓ Develop special tools to increase the quality of work of social workers in the process of assessing the independent upbringing of children for women with disabilities
- ✓ Train social workers in the field of women's rights and effective communication with women with disabilities.

### **To LEPL Legal Aid Service:**

- ✓ Provide access to the physical environment of Legal Aid offices for all women and girls with disabilities, and take into account the sensory and physical needs of women and girls with disabilities in this process

### **To the Notary Chamber of Georgia:**

- ✓ Provide access to the physical environment of notary offices for all women and girls with disabilities, and in this process take into account the needs of women and girls with disabilities on a sensory and physical basis
- ✓ Provide training for notaries on the rights of persons with disabilities and standards of communication with them.

**To the Common Courts:**

- ✓ Provide access to the physical environment of court buildings for all women and girls with disabilities, and take into account the sensory and physical needs of women and girls with disabilities in this process.
- ✓ Develop and implement a module for judge training programs aimed at increasing judges' knowledge of international standards for the protection of the rights of women and girls with disabilities
- ✓ Investigate the victim's mental health and schedule and psychiatric examination only when there is a reasonable suspicion of a victim's mental health problem and when that condition could have affected the information provided by the victim on the case of violence to the law enforcement body.

**To the Local Self-Government Bodies:**

- ✓ Develop an effective mechanism for the inclusion of women with disabilities in the Local Self-Government and Gender Equality Councils
- ✓ Ensure the assessment of the needs of women and girls with disabilities at the municipal level in relation to the issues within the competence of self-governing bodies, which will be based on the development of measures/programs aimed at the protection of the rights of women and girls with disabilities in municipal programs.

# APPENDIX - SURVEY RESPONDENTS

## 1. Expert interviews

Name and surname	organization / position
Aitaj Khalili	Organizationa "Salami"
Dako Bakhturidze	Researcher on gender issues
Eliso Rukhadze	Union "Sapari"
Ida Bakhturidze	Researcher on gender issues
Lika Jalaghania	Centre for Social Justice
Marika Zakareishvili	Inclusive education expert
Mari Bandzava	The Equality Movement
Teona Todradze	WISG
Sopio Bedoshvili	WISG
Mariam Svimonishvili	Georgian Young Lawyers Association
Tsira Barkaia	Early Education Expert
Keti Kobaidze	World Vision Georgia gender advisor
Maguli Shaghashvili	Expert in the field of people with disabilities
Keti Gigineishvili	Georgian Association of Social Workers
Anano Bochorishvili	Researcher on the topic of sexual and reproductive health of women with disabilities

## 2. Interviews with government officials

Name and surname	State Agency
Christine Morgoshia	Prosecutor's Office of Georgia
Bela Pipia	Ministry of Internal Affairs of Georgia
Giorgi Chavchavadze	Ministry of IDPs from the Occupied Territories of Georgia, Labor, Health and Social Affairs
Elene Martashvili	LEPL State Care and Victim Assistance Agency for Victims of Trafficking
Tea Gvaramadze	Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, Department of Social Protection
Lika Klimiashvili	Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, Department of Employment
Maia Tsuladze	Ministry of Education and Science of Georgia, Vocational Education Division
Tamar Zhgenti	Ministry of Education and Science of Georgia, Inclusive Education Division







