



OPEN SOCIETY GEORGIA FOUNDATION
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LACK OF ACCESS TO SERVICES FOR CHILDREN WITH DISABILITIES – THE GEORGIAN STATE AND THE DENIAL OF SOCIAL INCLUSION

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INTRODUCTION

According to the 2014 census¹, there are 871,532 children in Georgia, out of which only 10,069 are officially registered² as having some type of disability. In the same census data, it appears that 25,925 children suffer from some kind of disability or health condition according to self-reporting made by their family members and legal representatives³.

Health condition or disability	Visual impairment	Hearing impairment	Mobility problems	Perceptive-cognitive problems	Communication problems	Problems with the self-care	Total number of self-reported health condition and disability in children in Georgia
Total number	13,291	3,375	4,880	3,746	4,008	4,392	25,925
Partial impairment	10,190	2,160	2,098	2,068	1,986	1,323	
Significant impairment	2,793	714	1,514	1,051	1,107	1,586	
Total impairment	308	501	1,268	627	915	1,483	

These figures are one of the explicit signs of the country's Soviet past, during which it was common to refuse acknowledging people with disabilities, unless sufficient medical symptoms were present. Since the collapse of the Soviet Union in 1991, Georgia has not updated the system of disability registration. Official administrative bodies consider children disabled only if they exhibit listed symptoms of a given diagnosis and not their actual needs for social and educational inclusion – a practice of a medical model of disability that is in contradiction with the standards of the UN Convention on the Rights of Persons with Disabilities (hereinafter UN CRPD.)

OBLIGATIONS TOWARDS CHILDREN WITH DISABILITIES IN LINE WITH THE EU-GEORGIA ASSOCIATION AGENDA AND THE ACTION PLANS

Even though the EU-Georgia Association Agreement, in force since July 2016, doesn't explicitly mention children's rights and almost fully omits disability issues, the EU-Georgia Association Agenda devotes a special sub-paragraph to the protection of Children's Rights in the section on Political Dialogue and reform 2.1. It pays special attention to saving children from poverty and prioritizing vulnerable children. Children with disabilities are one of the most vulnerable groups in society faced with the risks of poverty. As poverty is both a cause and a consequence of disability, the UN Committee on the Rights of the Child has repeatedly stressed that children with disabilities and their families have the right to adequate standards

1 National Statistics Office of Georgia, results of the Census. Available at: <http://census.ge/ge/results/census1/health> (accessed on 29.09.2017).

2 Social Service Agency, statistics on social services. Available at: http://ssa.gov.ge/index.php?lang_id=GEO&sec_id=610 (accessed on 29.09.2017).

3 Official correspondence #11-2742, 03/10/2017 by the National Statistics Office of Georgia GEOSTAT

of living. This includes adequate food, clothing and housing, and to the continuous improvement of their living conditions.⁴ As a result of the persistent request made by local non-governmental organizations, the Georgian government has included the issue of children with disabilities in the National Action Plan on the Implementation of the EU-Georgia Association Agreement and the Association Agenda 2017. The National Action Plan⁵ 2017, in its paragraphs 196.4 and 196.5, stipulates deinstitutionalization of children with disabilities and the expansion of access to services for children with disabilities throughout Georgia.

THE LEGISLATIVE FRAMEWORK: INTERNATIONAL AND DOMESTIC LEGAL STANDARDS ON DISABILITY

In 2014 Georgia ratified the UN Convention on the Rights of persons with disabilities. However, domestic laws have, apart from a few exceptions, not been harmonized with the Convention. One of the clearest examples in this regard is the Georgian Law on Elimination of All Forms of Discrimination which was adopted in response to the conditions set out by the Visa Liberalization Action Plan⁶ (par. 2.4.3). The law actually misses the concept of reasonable accommodation, thus making elimination of discrimination against persons with disabilities ineffective.

INACCESSIBLE BASIC SOCIAL SERVICES

According to the official data⁷ the National Program for Social Rehabilitation and Child Care, which is the major program providing social and rehabilitation services for children, currently provides services for only 2,783 children with disabilities. Among them, 1,227 children live in Tbilisi. The remainder, 1,556 children, live in smaller cities and rural areas. These figures indicate that more than 50% of children officially registered with disabilities obtain no disability services in the country.

CHILD RIGHTS NOT MANDATORY - BUT OPTIONAL

Children with disabilities in Georgia are obtaining disability services depending on the goodwill of their parents. All too often, parents, who do not acknowledge their children's disability, refuse to register them at social and educational services. State authorities usually do not consider such practices as discriminatory, nor a form of violence or neglect towards the children concerned. Rather they are regarded as "win-win"

4 UN Committee on the Rights of the Child (2006). General Comment #9. The Rights of Children with Disabilities. P. 2

5 The National Action Plan on the Implementation of EU-Georgia Association Agreement and Association Agenda. Available at: <http://www.eu-nato.gov.ge/ge/eu/association-agreement> (last seen 29.09.2017).

6 Visa Liberalization Action Plan, EU Georgia Visa Dialogue. Available at (last seen 15.10.2018): <http://migration.commission.ge/files/vlap-eng.pdf>

7 Social Service Agency statistics sheet 7.12: Number of Beneficiaries of the National Program of Social Rehabilitation and Child Care and of Family Reintegration allowance 2017 (June). Available at http://ssa.gov.ge/index.php?lang_id=&sec_id=1245 (last seen 15.10.2017)

situations both for the parents and for the state as they allow the latter to direct less financial resources for rehabilitation and social inclusion-related services, thus serving only one third of disabled children. Consequently, the right of the child with disability to obtain basic rehabilitation and social services is regarded as optional.

THE STATE AND THE DISCOURAGEMENT OF EDUCATIONAL AND SOCIAL INCLUSION

The existing state-funded social service program hinders the participation of disabled children in educational activities. If children with disability attend the regular school system as well as the day-care services, the state decreases its financial contributions for day-care centers⁸. According to official statistics provided by the State,⁹ 43 such day care centers for children exist all across Georgia in 2017, providing services for 600 children. However, neither the social service agency, managing and supervising the day-care centers, nor the Ministry of Education and Science produce statistics on the number of children with disabilities who attend such day-care centers and simultaneously obtain mandatory secondary education. The NGO Partnership for Human Rights (hereinafter as PHR), attempted to address this gap by approaching existing day-care centers on an individual basis. It turned out that out of 43 centers, only 17 provided information which confirmed the abovementioned hypothesis: while 294 school-aged children with disabilities are obtaining day-care services, 199 are also registered in secondary schools. However, of these, only 159 do attend secondary school regularly. This means that the right to education of at least 135 children with disabilities is violated.

THE ABSENCE OF SOCIAL SERVICES FOR CHILDREN WITH SELF-HARMING AND SUICIDAL BEHAVIOR

According to official statistics, only 45 children throughout Georgia with multiple profound disabilities are receiving rehabilitation services at two special day-care facilities. However, it appears that children with psychiatric conditions are not eligible for any rehabilitation services. These children are refused to attend the rehabilitation centers because the staff at the centers cannot handle children's self-harming and suicidal conduct. Consequently, the only option left for these children is involuntary psychiatric treatment. Beyond the latter, these children stay isolated at home without any provision of educational or rehabilitation services. The Coalition for Equality issued a public statement in 2016¹⁰ calling the national program discriminatory as it does not accommodate children who display severe self-harming behavior.

8 The day-care centers cannot get funding for the days when child attends the school and misses the day-care service.

9 Official letter by the Social Service Agency #04/51963, 10 August, 2017.

10 Coalition for Equality (2016) Official statement on the discriminatory approach of the state towards the children with disabilities. Available at (last seen: 15.10.2018). http://phr.ge/home/content?content_id=437

DISCRIMINATION ON THE GROUNDS OF CITIZENSHIP AND RESIDENCE

Children with autistic syndromes and other disability conditions do not have equal access to services and children who are nationals of third countries and permanently reside in Georgia are denied access to the municipal rehabilitation programs. Due to the uneven distribution of the municipal disability services across Georgia (existing programmes cover only the Tbilisi, Batumi, Kutaisi and Zugdidi municipalities) children living in other municipalities are left without municipal disability services¹¹. This practice contradicts the priority principles of the EU-Georgia Association Agreement, which affirms that cooperation between Georgia and the EU on migration, asylum and border management (Article 15) is based on “the admission rules and rights and status of persons admitted, fair treatment and integration of lawfully residing non-nationals education and training and measures against racism and xenophobia”¹².

LACK OF SUPPORT TO THE PARENTS AND THE INFLUENCE OF STEREOTYPES

As the empirical evidence suggests, the majority of parents of children with disabilities in Georgia is represented by single mothers. Many of them report that they were abandoned once their husbands learned about the diagnosis of their children. The majority of caregiver mothers are not employed, as they need to spend every day with their children due to lack of social and rehabilitation services. Their only income is the state disability benefit of the child which is approx. 75 USD per month. While the state provides approx. 250 USD per month to foster families for caring for one child with disability, biological families receive no financial support for the prevention of abandonment and institutionalization of their children with disabilities.

Traditional and deeply engraved stereotypes suggest that having a child with a disability is a curse from God or a punishment for sins committed. Consequently, these stereotypes drive actions towards isolating these children. Successive government have failed to conduct any important awareness-raising campaigns to combat disability-related stigma so far.

11 Ordinance of the Tbilisi Municipality Council #33-129, of 29 December 2015, article 4.2.1.

12 ASSOCIATION AGREEMENT between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part Available at (last seen 15.10.2017): <http://www.parliament.ge/uploads/other/34/34754.pdf>

CONCLUSIONS AND POLICY RECOMMENDATIONS

To summarize, there is an urgent need to scrutinize and revise the national and municipal programs of child rehabilitation and social inclusion. The following recommendations shall be put forward:

- The Georgian Parliament should harmonize Georgian legislation in line with the UN CRPD and the EU Law on disability;
- The Georgian parliament and Sakrebulo (the legislative organ of local municipalities) should abolish discriminatory regulations and practices immediately and make all existing services accessible to all children;
- The Ministry of Health, Labour and Social Affairs and the Ministry of Education and Science should produce comprehensive statistical systems that register children with disabilities in line with adopting the social model of disability;
- The Georgian government should initiate a wide-scale anti-stigma awareness-raising campaign to combat disability-related stigma and stereotypes;
- The government should ensure that all children with disabilities have access to, and obtain, proper education, and that their right to education is protected by law.