



THE MAIN CHALLENGES
OF THE SOCIAL PROTECTION SYSTEM
FOR VARIOUS VULNERABLE GROUPS IN GEORGIA
POLICY PAPER

2023

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Coalition for Equality is an informal association established in 2014 with the support of the Georgian Open Society Foundation, which unites eleven non-governmental organizations. The members of the Coalition are: Open Society Georgia Foundation (OSGF), Human Rights and Monitoring Center (EMC), Rights Georgia, Union Sapari, Georgian Young Lawyers Association (GYLA), Women's Initiative Support Group (WISG), Partnership for Human Rights (PHR), Georgian Democratic Initiative (GDI), Tolerance and Diversity Institute (TDI), Human Rights Center (HRIDC), Equality Movement. The aim of the Coalition is to strengthen the mandate of anti-discrimination mechanisms and to promote an effective fight against discrimination. In 2015, the newly formed Coalition for Equality and the Public Defender of Georgia signed a Memorandum of Understanding on the Elimination of Discrimination.

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INTRODUCTION

This document functions as a monitoring tool for the implementation of recommendations outlined in the Equality Coalition’s 2022 study, “The Main Challenges of the Social Protection System for Various Protected Groups in Georgia.”¹ The study critically assesses social protection programs and policies administered by both central and local governments, from the perspective of the right to social protection for families residing in Tbilisi social housing, individuals with disabilities, nurses, women victims of domestic violence, and LGBTQI individuals. A set of recommendations emerged from the research, and this document serves as an oversight mechanism for their execution.

The document is organized into five main sections. The first chapter examines the living conditions of families with children residing in Tbilisi social housing, along with the evaluation of existing monetary and non-monetary assistance for them and reviews the implementation status of recommendations derived from the 2022 study conducted by the coalition on these specific issues. In the second chapter, a comprehensive critical analysis is presented, focusing on the social package designed for persons with disabilities. The third chapter takes a closer look at the prevailing social policies aimed at assisting victims of domestic violence. The fourth chapter assesses the dynamics of working conditions and social security for women nurses, drawing insights from the Coalition’s 2022 study. The final, fifth chapter is dedicated to addressing the non-implementation of recommendations concerning access to social rights for LGBTQI individuals.

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1. “The Main Challenges of the Social Protection System for Various Protected Groups in Georgia - 2022” The document is available at: <http://www.equalitycoalition.ge/article/95> [Last accessed: 15.08.23]

MONITORING THE SOCIAL CONDITIONS OF FAMILIES WITH CHILDREN RESIDING IN SOCIAL HOUSING

In 2022, the Equality Coalition crafted the study “The Main Challenges of the Social Protection System for Various Protected Groups in Georgia,”² with the goal of assessing and critiquing social protection programs and policies administered by both central and local governments. Specifically, the study scrutinized the social conditions of families with children residing in social housing. To address these issues, the study formulated a set of recommendations that aimed to instigate legislative changes, practices, and standards conducive to enhancing the social well-being of families with children living in social housing.

The current document assesses the implementation status of the recommendations aimed at enhancing the legal status of families with children residing in social housing. This evaluation is conducted within the context of the study titled “The Main Challenges of the Social Protection System for Various Protected Groups in Georgia,” which was prepared by the Equality Coalition.

Status of recommendation implementation:

The initial recommendation of the above-mentioned document proposed a change in the administrative terms of receiving the living allowance. During the study, households were assigned

2. “The Main Challenges of the Social Protection System for Various Protected Groups in Georgia - 2022” The document is available at: <http://www.equalitycoalition.ge/article/95> [Last accessed: 15.08.23]

livelihoods two months after the rating score was given. However, this recommendation has not been implemented.³ Currently, families are eligible to receive a subsistence allowance starting the second month after their rating points are assigned.⁴ In many cases, the extended deadline worsens the financial situation of the families. According to the Ministry, there are plans to digitize the targeted social assistance program in the future. Within this framework, the intention is to reduce the period of the appointment of the living allowance, although it is not specified when the said change will be implemented and how much the digitization of the program will reduce the allowance appointment process.

According to the second recommendation from the study, the current policy of disqualifying a child from receiving a subsistence allowance upon reaching the age of 16 needs to be revised. The recommendation proposes extending the age limit to 18 years. However, the monitoring results indicate that this recommendation has not been implemented.⁵ As per the communication from the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, families with a rating score below 120001 still receive a subsistence allowance of 150 GEL for family members under 16 years of age, and regrettably, the suggested age limit extension to 18 years has not been adopted.

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3. Letter of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, dated 20 April, 2022
 4. Resolution N145 of the Government of Georgia of July 28, 2006 “On Social Assistance”; The second part of Article 4.
 5. Ibid.

Moreover, the suggestion to extend the subsidy for utility bills throughout the entire year has not been put into effect. Presently, residents of Tbilisi social housing receive utility bill subsidies solely for the months of December, January, February, March, and April. This approach particularly exacerbates the challenges faced by families residing in social housing areas that still lack gas infrastructure. Such families are compelled to rely on electricity for all their requirements, including cooking and heating their living spaces, which results in elevated utility expenses.

As part of the examination, it was revealed that the free dining program under the financing of the Tbilisi City Municipality did not allow children from one to six years of age to use the program in practice. Based on the information provided by Tbilisi City Hall, children between 1 to 6 of age currently benefit from the free meals program,⁶ however, we do not have information about the specific rations for young children or whether their daily rations are different from other beneficiaries. Also, whether the nutrition of children aged one to six years meets their nutritional needs.

The Ministry of Education and Science of Georgia did not furnish us with an information regarding the extent to which the number of informal education circles has expanded, and whether these circles are established in proximity to social housings.⁷ The research has revealed that children residing in shelters frequently encounter challenges in accessing non-formal education programs, primarily due to their limited availability and distant locations. This often necessitates multiple modes of

6.

7. Letter of the Ministry of Education and Science of Georgia dated April 10, 2023

transportation, rendering non-formal education less accessible to these children.

Recommendation 6 advocates for a reevaluation of the universal insurance program to safeguard the health rights of families with children in social housing. This involves enhancing access to dental services and medications for children, however, the information provided by the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia is incomplete.⁸ According to their clarification, dental services with anesthesia are fully funded for individuals with behavioral challenges and disability status. Nevertheless, there is no explicit mention of funding for the dental needs of children without disabilities residing in social housing.

It is noteworthy to highlight the positive trend in fostering economic self-sufficiency among families with children in social housing. Specifically, the social protection system underwent revision, and as per Government of Georgia Resolution No. 81 dated February 17, 2022, a family's subsistence allowance is sustained for four years if an able-bodied family member secures employment in a public work vacancy or a position in the labor market aligned with their skills, experience, and professional growth. Additionally, the allowance persists if the social beneficiary is engaged in the informal sector and formalizes their employment. This development aligns with one of the recommendations outlined in the study.

8. Letter of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, dated 20 April, 2022.

The recommendation, formulated within the study's framework, proposes the establishment of a system considering the periodic renewal of household items and furniture for families residing in social housing. Regrettably, this recommendation has not been put into effect. Although the City Hall of Tbilisi Municipality provides social housing families with household items and furniture, these items are not subject to renewal despite wear and tear. Consequently, many instances arise where social housing lacks essential necessities and furniture.

It is essential to highlight that during the compilation of the recommendation evaluation document, requests for public information were submitted to the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, the Ministry of Education and Science of Georgia, and the Tbilisi City Hall. Unfortunately, comprehensive information on the inquiries was not provided, posing challenges in assessing process of the recommendation implementation.

Given that the recommendations were devised for the year 2022, they predominantly included mandates for researching the social impact of COVID-19 on families in social housing. Furthermore, the recommendations called for an assessment of the research outcomes and the formulation of strategies and action plans based on it, aiming to enhance the social protection of families residing in social housing. It is noteworthy that official information on this aspect of the recommendations is lacking, thus impeding our monitoring efforts.

SOCIAL PROTECTION OF PERSONS WITH DISABILITIES

Formation and implementation of an effective and systematic policy of social protection of persons with disabilities, as well as their real support, is one of the main challenges in the country. The social protection framework of the state is still fragmented and ineffective, and a strategic vision in terms of reforming the system and adjusting it to the needs of the population still does not exist.

Along with the absence of a unified policy and a systematic vision, it is extremely problematic to produce statistical data close to the reality for persons with disabilities, which prevents an adequate opportunity to evaluate the impact of policy measures. Until now, the state only processes data related to the number of recipients of the social package,⁹ and the issue of producing complete statistics remains an open question.

The purpose of this chapter is to once again touch on the issue of providing one of the important components of social protection of people with disabilities - the social package and to evaluate the progress and challenges of recent years.

9. See Social Services Agency statistics: number of recipients of social package according to groups; <https://bit.ly/3OR51ex>.

A brief overview of the 2022 report's findings and recommendations¹⁰

Given the intricate nature of the social protection challenges faced by individuals with disabilities, the preceding report delved into two primary avenues of investigation: 1. The assessment of the social package provided for individuals with disabilities, focusing on its adequacy and relevance. 2. Examining the disbursement mechanisms in place for individuals with disabilities in the context of the Covid-19 pandemic.

As per the report, despite the significance of the social package mechanism for individuals with disabilities, issues persist regarding the content of the service and its delivery, hindering any improvement in the socio-economic situation of community representatives and exacerbating their risk of poverty. Noteworthy challenges encompass systemic issues, including the exclusion of many individuals from assistance within the social package recipient pool, insufficient aid provided by the social package, a tendency to overlook the individual needs of support recipients and a blanket reliance on medical diagnoses, as well as challenges in social work and limited access for individuals with disabilities from ethnic minorities to social protection mechanisms. These challenges are further compounded by the fragmentation of the social protection system at both central and municipal levels in the country, resulting in insufficient social support for individuals with disabilities. It is crucial

10. See the study - the main challenges of the social protection system for various vulnerable groups in Georgia, prepared by the Equality Movement 2022, p. 32 - 46, 89 - 91.

to underline that many issues pertaining to the shortcomings of the social protection policy for this group have been incorporated into the final recommendations of the UN Committee on the Rights of Persons with Disabilities.¹¹

The report underscored a major concern - during the Covid-19 pandemic, the government's support focused only on individuals with severe disabilities and children with disabilities, leaving a large segment of the community without any assistance. Furthermore, the absence of a clear methodology for calculating the support amount was identified as problematic. Additionally, there was a lack of consistent communication to inform representatives of ethnic minorities about the existing restrictions and imposed assistance during the pandemic.

Considering the prevailing challenges, the report has examined 12 recommendations addressing issues such as prioritizing social protection for individuals with disabilities in both political and public agendas, amending legislation to incorporate existing international standards regarding the right to social protection, ensuring effective coordination among government bodies and levels, equitably distributing support within the package to all individuals with disabilities, and consistently augmenting the corresponding financial assistance. Moreover, there is an emphasis on transitioning from a medical paradigm to a social model. This involves fully aligning the legal regulation of the social package with the provisions of the UN Convention on the Rights of Persons with Disabilities. Additionally, the report highlights the necessity

11. See Committee on the Rights of Persons with Disabilities, Concluding Observations on the Initial Report of Georgia, CRPD/C/GEO/CO/1, 2023, Para. 55 - 56.

for developing and implementing a systematic and effective information policy, conducting systematic research, and genuinely involving individuals with disabilities and their representative organizations in the decision-making process.

Analysis of the current situation and implementation of recommendations

Similarly to the previous evaluations, the situation in 2023 continues to place the content and distribution of the social package provision system under scrutiny. This ongoing uncertainty significantly impedes the effective empowerment of the community representatives and the establishment of adequate living standards. Directly linked to this mechanism, various challenges become more complex, such as:

- The non-priority of the issue of social defense of PWD (Persons with Disabilities) in the political agenda - this is confirmed by the content of the National Strategy for the Protection of Human Rights (for the years 2022 - 2030), which only generally speaks about the issue of social defense (“About the Rights of Persons with Limited Opportunities” defined by the law of Georgia and other social and economic facilitating events)¹² and does not consider the change in existing mechanisms of social defense. Parallel to the above-mentioned, there is still no vision of reforming the general system of social defense and the corresponding policy document, which, for the en-

12. Resolution of the Parliament of Georgia dated March 23, 2023 N 2663-Xlms-Xmp “on approval of the National Strategy for the Protection of Human Rights of Georgia (for the years 2022-20230)”.

tire population of the country, including PWD, would consider timely and necessary support;

- The problematic nature of existing legislation, which, among other things, is manifested in the non-consideration of the content of thematic international standards by the law of Georgia on the Rights of Persons with Disabilities and other relevant legislative acts;
- The problems of the involvement of PWD and their representative organizations in decision-making processes¹³ - despite the existence of PWD consultative mechanisms within the confines of several institutions, as well as the functioning of the Interagency Coordination Committee for the Implementation of the Convention on the Rights of PWD, the real and active participation in social defense remains challenging, including decisions related to the social package. In this part, the problem is even more acute with the involvement of ethnic minority representatives of PWD, as they are not even formally able to participate in the activities of interagency platforms.¹⁴

► ***Challenges in Integrating the Persons with Disabilities into the Social Package Program***

A primary issue in the discourse regarding the provision of the

13. See Report of the Public Defender of Georgia on the state of protection of human rights and freedoms in Georgia, 2022, p. 248 - 249.

14. Center for Social Justice, Mariam Janiashvili, "Experience of the Azerbaijani people with disabilities living in Kvemo Kartli - access to social protection mechanisms", 2022, p. 32 - 33; <https://bit.ly/3C9Mlis>.

social package is the narrow range of beneficiaries who are able to access this support. This predicament arises partly from the system that determines disability status solely based on medical diagnosis. Consequently, this leads to the exclusion of several groups under the current legislative framework. Those often left out of the system include persons with disabilities who are recipients of old-age pensions, individuals with moderate disabilities who have not been recognized as a person with disability since childhood, and people who, due to the medical model's criteria, do not qualify for disability status. This latter group includes children, notably those on the autistic spectrum with specific disorders, who, under existing laws, are not eligible for the status of a person with disability.

As of April 2023, the social package was extended to 126,439 individuals with disabilities. This group includes 14,217 children, 29,489 individuals with severe disabilities, 72,357 with substantial disabilities, and 10,376 with moderate disabilities.¹⁵ It is important to acknowledge that over the recent years, there hasn't been a significant rise in the number of individuals with disabilities benefiting from the social package. In fact, there has been a decrease of 1,515 recipients compared to the figures from 2021.

15. See, Social Services Agency, Statistics: Social Package, <https://bit.ly/3OR51ex>.

Table No. 1. Number of Persons with Disabilities Receiving Social Packages by Year¹⁶

Currently, only 3.38% of Georgia's total population¹⁷ receives the social package, whereas the World Health Organization estimates that individuals with disabilities typically comprise between 11.8% and 18% of a country's population.¹⁸ This stark disparity suggests that the actual number of persons with disabilities in Georgia is 3.5 to 5.3 times higher than the number of social package recipients, indicating a significant shortfall in the program's reach.

A fundamental resolution to this challenge involves transitioning

16. Note: 2014-2022 data refers to the number of people with disabilities receiving social package in December of a particular year, and 2023 data refers to the number of persons with disabilities receiving social package as of April; See Social Services Agency, statistics: number of recipients of social package according to groups; <https://bit.ly/3OR51ex>.

17. According to the data of the National Statistical Service of Georgia, as of January 1, 2023, the population of Georgia is 3,736,400 people; see National Statistical Service of Georgia: Population, <https://bit.ly/3OMZOUN>.

18. World Health Organization, World Report on Disability, 2011, გვ. 27.

from a medically-oriented model to a framework grounded in social and human rights principles for evaluating and developing policies concerning individuals with disabilities. Acknowledging the critical nature of this shift, an earlier report strongly advocated for the adoption of this reform. Such a change is essential for the comprehensive overhaul and enhancement of the social package mechanism.

Regrettably, nine years after ratifying the UN Convention on the Rights of Persons with Disabilities, Georgia has yet to achieve notable progress in adopting a social model. The Law of Georgia “On the Rights of Persons with Disabilities” mandates the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia to endorse a plan by January 1, 2023, for adopting the biopsychosocial model in disability status assessment.¹⁹ This obligation was met with a delay, being fulfilled on March 9, 2023. In particular, by order of the minister, the 2023-2025 action plan of the measures to be implemented in connection with the implementation of the biopsychosocial model of the mechanism for determining the status of disability came into force.²⁰

The action plan outlines nine key objectives: 1. Establishing an institutional mechanism and case management system based on the biopsychosocial model for disability status determination;

19. Law of Georgia “On the Rights of Persons with Disabilities”, Article 37 (2) (A).

20. The Order of the Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia of March 9, 2023 N MOH 8 23 00000094 “On the approval of the 2023-2025 action plan of measures to be implemented in connection with the introduction of the biopsychosocial model of the mechanism for determining the status of capacity limitation”.

2. Approving the evaluation methodology and rules for disability status based on this model; 3. Training and retraining multidisciplinary team specialists; 4. Allocating financial resources and funding for the disability status determination system under this model; 5. Ensuring equal access and bolstering participation in the disability status determination process by person with disability; 6. Enhancing administration and quality monitoring mechanisms in line with disability rights; 7. Updating the legal framework for the disability status determination system; 8. Raising awareness and informing individuals with disabilities and applicants about the biopsychosocial model and the anticipated system changes; 9. Refining social protection measures for children with disabilities and adults based on biopsychosocial assessment data.

Specifically, the plan includes developing guidelines by 2023 for a child-centric social package, tailored to the individual needs of children with disabilities, and ensuring professionals are equipped with necessary expertise. By 2024, it aims to assess the social package for children with disabilities, integrating the required expenditures into the state budget. Furthermore, the plan involves formulating and evaluating a social package for adults with disabilities, “Creating and evaluating a social package for adults with disabilities according to the BFS model, which includes monetary compensation, aids, and support services”, with completion targeted by March 2025.

This action plan primarily emphasizes the development of necessary institutional and legislative frameworks and does not specify a timeline for the actual transition to the social model. Given the current state of affairs in the country, it’s evident that establishing a relevant policy framework is crucial. However, the lack of

a clear timeline for transitioning to the social model indefinitely delays the creation and implementation of policies that address the real needs of people with disabilities.

As part of the shift to the social model, a key recommendation continues to be the elimination of legislative barriers that hinder certain groups with disabilities from accessing the social package, irrespective of their needs. The 2022 report identified two such groups: persons with moderate and significant disabilities employed in public service (with the exception of visually impaired individuals) and persons with disabilities receiving an old-age pension. It was advised in the report the government to include these groups in the social package mechanism, transitioning from a medical to a social model, the social package to encompass all persons with disabilities.

The reforms enacted in June 2022, which allow individuals with disabilities engaged in public activities to access the social package, are commendable.²¹ However, **the exclusion of persons with disabilities receiving old-age pensions from the social package remains a concern.** Despite the different nature and objectives of these support mechanisms, the current regulations do not permit the simultaneous provision of both services to this doubly vulnerable group.²²

21. Resolution No. 310 of the Government of Georgia dated June 13, 2022 “On the determination of the social package” on amending Resolution No. 279 of the Government of Georgia dated July 23, 2012”, Article 1.

22. Resolution No. 279 of the Government of Georgia of July 23, 2012 “On determining the social package”, Article 6 (1) (b).

► **Assistance provided by the social package**

Besides the limited reach of the social package mechanism, another challenge lies in the inadequacy of the financial assistance. Notably, many individuals with disabilities receive support below the subsistence minimum. The 2022 report recommended a progressive increase in the social package's financial aid prior to transitioning to the social model, aiming to ensure that people with disabilities can at least maintain minimal adequate living conditions.

In this context, the decision to raise the monetary assistance provided by the social package for people with disabilities, effective from January 1, 2023, is commendable. This increase was applicable to all recipients of the social package.²³ Additionally, the amendments made in December 2022 to the Law of Georgia "On Social Assistance" are significant. These amendments mandate regular increases in the social package for people with disabilities, Specifically:

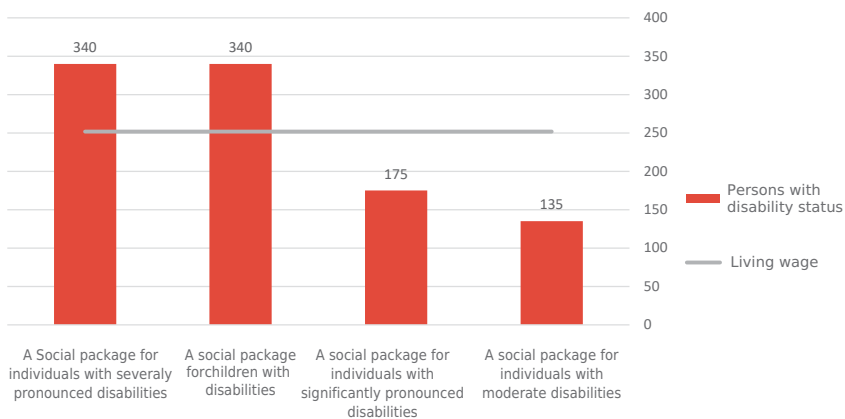
- The base amount of social package for those with severe disability and children with disabilities will be augmented each year by either 80% of the arithmetic average of the real GDP growth in the last six quarters plus the average inflation rate of the past 12 months, but no less than 25 GEL.

23. Resolution No. 566 of the Government of Georgia dated December 14, 2022 "On the determination of the social package", on amending Resolution No. 279 of the Government of Georgia dated July 23, 2012", Article 1.

- The base amount of social package for those with significant or moderate disabilities will be raised annually by the inflation rate of the last 12 months, but not less than 20 GEL.²⁴

While acknowledging the recent improvements, it’s important to highlight that a substantial portion of social package recipients – 82,733 individuals, or 65.43% of the total recipient group, particularly those who are significantly and moderately disabled – **continue to receive social support that falls below the subsistence minimum.** This inadequate support situates them in a position of severe socio-economic vulnerability, especially considering their restricted employment prospects, which leaves them without alternative sources of income.

Table N 2. Relation of the amount of monetary assistance provided by the social package to the living wage²⁵



24. See, Law of Georgia “On Social Assistance”, Article 12².

25. The index calculated by the National Statistical Service of Georgia for April 2023 is taken as the indicator of the subsistence minimum.

► ***Access to social package for individuals with disabilities representing ethnic minorities***

Access to social protection mechanisms, such as the social package, is notably more challenging for persons with disabilities from ethnic minorities compared to other members of the community. Given their dual vulnerability, a previous report emphasized the state’s responsibility to prioritize this segment of the community. This includes conducting in-depth studies to understand their unique barriers and offering tailored services, such as addressing the information gap.

The 2022 research by the Center for Social Justice,²⁶ focusing on the Azerbaijani community with disabilities residing in Kvemo Kartli, underscored persistent systemic issues at the national level needing immediate and comprehensive state intervention. Two primary deficiencies in social package provision were identified:²⁷

- *State Language Policy and Information Gap*: Current state practices neglect the use of native languages for ethnic minorities during disability assessment and status determination. The state’s failure to bridge language barriers (including translating public information/official correspondence and providing interpreter services) places undue strain on the individual with disability and their family. Often, communication

26. Center for Social Justice’s report by Mariam Janiashvili, titled “Experiences of the Azerbaijani Community with Disabilities Living in Kvemo Kartli: Access to Social Protection Mechanisms” 2022, <https://bit.ly/3C9Mlis>.

27. Ibid.

between state representatives (including social workers) and individuals with disability relies on Georgian-Azerbaijani or Russian-Azerbaijani translations by family, friends, or neighbors. Consequently, in Georgia, particularly in the Kvemo Kartli region, the identification and social package coverage for persons with disability is remarkably low, with a 2022 rate of just 2.42% of the total population;²⁸

- *Lack of Statistical Data:* The state lacks precise data on the number of ethnic minority persons with disabilities/social package recipients in Georgia. This absence of this information hinders the evaluation of policy effectiveness and measures implemented for this group.

SOCIAL POLICY FOR SUPPORTING VICTIMS OF DOMESTIC VIOLENCE

The vigorous campaign against domestic violence in Georgia commenced in 2006 with the enactment of a dedicated law and the establishment of state-run shelters. Subsequently, numerous legislative reforms have been implemented, criminal justice policies have been reinforced, public awareness has notably risen, and there has been a steady uptick in police reports. Nonetheless, social policy continues to be the most underdeveloped aspect in combating domestic violence.

28. Ibid., p. 25, 47.

Legislation

Under the “Law on Prevention of Violence Against Women and/or Domestic Violence, Protection and Assistance to Victims of Violence,” a “victim of violence” is identified as a woman or family member whose constitutional rights and freedoms have been violated through neglect and/or various forms of violence, including physical, psychological, economic, sexual, or coercion. Additionally, minors with neglected legal interests are also classified as victims.²⁹

This law³⁰ also stipulates social protection and assistance guarantees for victims, mandating the establishment of shelters and day centers across the country. These facilities are tasked not only with providing legal and medical support to the victims but also with their psycho-social rehabilitation.

Before December 22, 2022, attaining victim status and corresponding services involved specific formal procedures. Victim status was determined by the Ministry of Internal Affairs of Georgia (through issuing a restraining order), a court (by issuing a protective order), and/or by the group within the inter-agency commission working on issues of violence against women and/or domestic violence. This process, entailing various deadlines and bureaucratic procedures, significantly impeded the delivery of vital services to victims. However, revisions to the law have since eliminated these formal barriers, enhancing the accessibility of these services.

29. Article 4, paragraph F

30. Chapter VI of the Law

Significantly, the law reserves the role of the state, particularly the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs of Georgia, in implementing social services. These services encompass: a) analyzing and resolving family disputes; b) implementing victim support and cooperation measures; c) identifying and addressing the needs of criminal risk groups in collaboration with state bodies; d) participating in the protective order issuance process; e) monitoring the enforcement of protective and restraining orders; f) developing and promoting victim assistance and social rehabilitation programs.³¹

On December 22, 2022, the Parliament of Georgia ratified the “Georgian State Concept of Gender Equality,” which mandates the state to utilize resources effectively to introduce inclusive, gender-sensitive services. These services aim to provide protection, assistance, housing access, and economic empowerment for victims of gender violence, along with long-term social and economic rehabilitation services. This concept also emphasizes the development of programs for correcting the behavior of perpetrators.³²

Further, on March 23, 2023, the Parliament of Georgia endorsed the “State Concept of Economic Empowerment of Women.” This concept underscores the significance of combating violence against women and domestic violence as a national priority. It emphasizes the state’s proactive role in economically empower-

31. Article 6 of the Law

32. Resolution N2545-Xrs-Xmp of the Parliament of Georgia on the approval of the “State Concept of Gender Equality of Georgia”, 22.12.2022, p. 11

ing women victims of violence. This includes measures to eradicate economic violence, strengthen victim compensation mechanisms, encourage active labor market participation, improve inter-agency coordination, and raise public awareness of mechanisms against violence towards women and domestic violence.³³

Lastly, the working version of the “National Strategy for the Prevention of Violence” is available on the Government of Georgia’s official website. This document outlines potential measures for preventing violence in families, schools, streets, and residential areas, as well as strategies for the rehabilitation of victims of violence.³⁴

Enforcement

The state agencies tasked with implementing the aforementioned normative acts include the Government of Georgia, the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking, the Ministry of Education and Science of Georgia, the State Agency for Promotion of Employment, the Prosecutor’s Office of Georgia, and the Ministry of Internal Affairs of Georgia.

On June 9, 2023, the organization Sapari initiated communication with all the aforementioned agencies, seeking public information on the effectiveness of the implementation of pertinent laws and

33. Resolution N2662-Xlms-Xmp of the Parliament of Georgia on the approval of the “State Concept of Economic Empowerment of Women”, 23.03.2023, p. 25

34. <https://www.gov.ge/dzaladobis-prventsiiis-strategia>

policies. Specifically, Sapari directed inquiries to the following entities, posing these questions:

The Government of Georgia:

- What special programs have municipalities designed to assist victims of domestic violence?
- In which municipalities are the special programs for aiding victims of domestic violence available?
- Has direct financial support been established for women victims of domestic violence;
- What level of financial aid does the state provide to children?
- Has direct financial assistance been implemented for unmarried women.

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

- How many shelters for violence victims are operational across Georgia as of June 2023?
- What is the total number of crisis centers providing services to violence victims in Georgia as of June 2023?
- What range of social services is available in Georgia for domestic violence victims as of June 2023?
- What social services are available in Georgia for shelter beneficiaries of violence victims as per June 2023 data?
- How many social workers from the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs of Georgia are exercising their legal powers

across Georgia as of June 2023?

- What is the rate of the distribution of social workers (from the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs of Georgia) by region in Georgia, as of June 2023?
- How many specialized domestic violence social workers are there in Georgia (from the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs of Georgia) as of June 2023?
- What is the recruitment status of social workers focused on domestic violence issues as of June 2023?
- What psycho-social services are provided by the state to former shelter beneficiaries for violence victims as of June 2023?
- Have educational programs been developed for domestic violence victims as of June 2023?
- Have professional programs been created for domestic violence victims as of June 2023?
- Have employment programs been developed for domestic violence victims as of June 2023?
- Have beneficiary satisfaction surveys been conducted in violence victim shelters for social policy planning purposes as of June 2023?
- Has the “SOS Children’s Village of Georgia” association been monitored as of June 2023?
- What is the nature and quality of activities monitored by social workers of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs

of Georgia?

- What training/retraining have social workers from the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs of Georgia undergone in 2021/2022?
- Has information provision in minority languages about available social services been introduced as of June 2023?
- Have social services tailored to local community needs at the village level been implemented as of June 2023?
- What specific social services are currently available for unmarried women, and what is their nature?
- What specific social services are available today for mothers of adult children, and what is their nature?
- What childcare services are available to women victims of domestic violence as of June 2023?
- What social services are available for beneficiaries enrolled in crisis centers for violence victims as per June 2023 data?
- What social services were available to beneficiaries of crisis centers for violence victim services according to 2022 data?

To the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking:

- As of June 2023, what child care services are available for women who are victims of domestic violence?
- According to data from June 2023, what social services are provided to beneficiaries enrolled in crisis centers for victims of violence?

- Based on 2022 data, what social services were available for beneficiaries of crisis centers serving victims of violence?

To the Ministry of Education and Science of Georgia:

- As of June 2023, what preventive measures are being implemented by the Ministry of Education and Science of Georgia to address domestic violence?
- According to June 2023 data, were educational programs developed for victims of domestic violence by the Ministry of Education and Science of Georgia?
- As of June 2023, were vocational programs developed for victims of domestic violence by the Ministry of Education and Science of Georgia?

To the State Agency for Promotion of Employment:

- As of June 2023, were employment programs developed for victims of domestic violence?

To the Prosecutor's Office of Georgia:

- What events were designed to enhance public awareness about issues related to domestic violence.³⁵

As of September 2023, none of the institutions listed above have

35. From April to June 2023, as reported on the official website of the Georgian Prosecutor's Office, a series of educational meetings were conducted, focusing on critical issues like gender-based violence against women, domestic violence, early marriages, sexual offenses, and femicide, with the goal of enhancing public awareness.

<https://pog.gov.ge/result/%E1%83%A4%E1%83%94%E1%83%9B%E1%83%98%E1%83%AA%E1%83%98%E1%83%93%E1%83%98>

disclosed public information on the issues under consideration, despite numerous requests.

Prevention

The Ministry of Internal Affairs of Georgia has identified several key mechanisms for combating domestic violence.³⁶ Among these, the use of restraining orders and the implementation of an updated risk assessment document (protocol) are considered crucial. Additionally, from September 1, 2020, “electronic surveillance” will be deployed in select cases, allowing real-time monitoring of offenders at locations such as the victim’s home and workplace. The Ministry also acknowledges the significance of its awareness campaigns in prevention efforts. These include the professional training of police officers, the Children’s Day initiative “Don’t Take Away Their Childhood,” displaying thematic posters in schools, conducting informational meetings across various regions by the Ministry’s Public Security Management Center 112 and police representatives, and disseminating short text messages to 2 million subscribers about the criminal nature of child marriage. Further, the TV program In Police Files and a drawing competition highlighting the adverse effects of child marriage are also part of these efforts.

The authors of the study have favorably reviewed the Ministry’s information campaigns but they also highlight ongoing challenges within the law enforcement system. This includes the procedure for issuing restraining orders, which, as noted by beneficiaries,

36. Letter MIA 0 23 01821332 of the Ministry of Internal Affairs of Georgia dated June 26, 2023.

is initially determined by the Ministry official before completing the accompanying protocol that assesses risks. In contrast to the transparency in restraining order statistics, there is a noted lack of public information on the Ministry's official website regarding the use and effectiveness of electronic surveillance.³⁷ Additionally, social workers involved in the study emphasize the urgent need to substantially increase the number of crisis centers for effective prevention implementation.

Social Services

The research conducted revealed that, in comparison to previous years, there has been no noticeable improvement in social services and the non-governmental sector is outperforming state services in terms of diversity, quality, accessibility, and customization to individual needs.

Social workers participating in the study highlight that the existing services are predominantly short-term, failing to sufficiently empower victims of violence during this period. As a result, victims often revert to their previous problematic situations, hindering long-term progress. The participants unanimously agree on the necessity of continued state support for women who are victims of domestic violence post-shelter stay, suggesting aid such as apartment rent, food packages, or other forms of assistance. They assert that adequate social support can encourage these women, often trapped in violent settings due to economic and social constraints, to seek timely help from law enforcement and

37. https://info.police.ge/page?id=786&parent_id=102

escape abusive environments.

In Georgia, shelters serve as the primary social protection mechanism for domestic violence victims. However, the scarcity of available spaces, especially in regional areas with limited shelter options, poses a significant challenge. Victims often face the tough choice of relocating to distant shelters, resulting in additional hardships like separation from family, work, or educational institutions. Social workers participating in the study advocate for beneficiary-involved research to identify and enhance necessary services. Notably, some beneficiaries were unaware of crisis centers, only recognizing shelters as available resources.

A crucial unmet need identified by the research participants is childcare services. Residents in shelters with young children are often unable to seek employment due to the absence of childcare options within these facilities. Furthermore, services available in shelters, including vital psychological support, cease once victims leave, exacerbating their difficulties, particularly in regional areas.

The participants unanimously acknowledge the inadequacy or absence of direct financial assistance, which fails to meet basic necessities.

The study also underscores the vital role of social workers in assisting victims, pointing out the necessity for their professional development. The state social workers' excessive workload negatively impacts service quality. They also note systemic issues within the social protection framework, leading to challenging working conditions and a tarnished reputation. Several benefi-

ciaries reported that their experiences with state services varied based on individual social workers' dispositions, lacking a sense of consistent and objective treatment.

Intersectionality

Social workers highlight an imbalance in the accessibility of Georgia's social system across different groups, attributing this disparity to a lack of information and misinformation. They emphasize that despite Georgia's ethnic and geographical diversity, the social system lacks adequate adaptation. The workers suggest that information about available services should be more broadly disseminated, not just through television and the internet, but also at the community level, with a tailored approach that takes into account cultural and religious diversity.

The workers also point out the challenge of geographical accessibility: services available in the capital, Tbilisi, are often not accessible in other regions. They note a significant gap in information availability between urban and rural residents, with less television and internet coverage in the regions.

In their observations, social workers participating in the study have identified that social services are more restricted for unmarried women and mothers of adult children compared to those who are minors, as well as women with multiple children, and single mothers.

A noteworthy aspect of the study is that most women victims of domestic violence identify themselves as single mothers, even though the father is listed on the children's birth certificates.

These women, having escaped abusive relationships and living with their children, often find that the fathers cease financial support. Consequently, the single mothers are left without access to certain state social services. The social workers mention a lack of information about the availability of day care centers for individuals with disabilities who are victims of violence, and a similar situation exists for citizens with mental health challenges. Additionally, several beneficiaries reported being ineligible for social services due to the absence of a registered residential address, which also disqualified them from receiving municipal apartment rent assistance.

WORKING CONDITIONS AND SOCIAL GUARANTEES OF NURSES

Recommendation 1. Determine the adequate, minimum salary amount for nurses

Pursuant to the resolution of the Georgian Government titled “On measures to be implemented in order to transition to universal health care,” starting January 1, 2023, all clinics participating in the universal health care program were mandated to adhere to the minimum hourly wage for medical staff. This included a minimum of 7 GEL per hour for doctors (averaging 1260 GEL per month) and 4.4 GEL per hour for nurses (averaging 792 GEL per

month).³⁸ The Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia reports that approximately 9,000 doctors and over 8,000 nurses have benefited from the salary increase 2023.³⁹ Additionally, there is a planned gradual increase in these minimum hourly wages, with doctor's wages rising to 9 GEL and nurses to 5.6 GEL by 2025.⁴⁰

The Georgian Government's resolution assigns the Labor Inspection Service the responsibility of ensuring compliance with these minimum wage requirements in clinics under the universal health care program.⁴¹ The Labor Inspection Service, under the Ministry of Labor, will conduct regular and/or selective inspections, at least monthly for each clinic, utilizing a special electronic program where necessary.⁴² The administrative-legal act of The Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia sets out the supervision mechanisms, inspection methods, and procedures.⁴³ According to the resolution, in case of detection of violations during the supervision of labor remuneration issues, the authorized person of the labor inspection (labor inspector) will draw up an adminis-

38. Resolution #53 of the Government of Georgia "on measures to be implemented in order to transition to universal health care", dated February 21, 2013, Article 20, part 5⁴.

39. [From January 2023, minimum hourly wages for doctors and nurses will be established - see the changes \(primetime.ge\);](#)

40. [From January 2023, minimum hourly wages for doctors and nurses will be established - see the changes \(primetime.ge\);](#)

41. See Footnote 1. Appendix 1, Article 16¹.

42. Ibid.

43. Ibid.

trative offense protocol regarding the violation of labor norms.⁴⁴

The Government's decision to set a minimum hourly wage for medical staff in universal health care program clinics is a commendable step. However, this reform doesn't extend the minimum wage standard to medical staff in clinics outside the program. Additionally, certified nursing assistants, who also work in challenging conditions, remain below this minimum wage threshold.⁴⁵

The state-set minimum hourly wage for medical personnel, although a step forward, is still insufficient to cover basic needs and falls short of the living wage, currently 1770 GEL in Georgia.⁴⁶ It is imperative for the state and medical sector employers to regularly review and adjust the minimum wage rates for doctors, nurses, and other medical workers towards the living wage.⁴⁷

From January 1 to April 30, 2023, the State Labor Inspection Service conducted inspections of 265 clinics. This supervision aimed to ensure compliance with the stipulated minimum hourly wages for healthcare employees, particularly doctors and nurses, within the universal health care program. These inspections unveiled several instances of non-compliance regarding the set minimum hourly wages for doctors and nurses. Consequently, the Labor Inspection Service issued administrative offense protocols to eight

44. Ibid.

45. [The increase in the minimum wage for medical workers is positive, but not enough - Decent Labor Platform \(shroma.ge\)](#)

46. <https://shroma.ge/living-wage/>;

47. [The increase in the minimum wage for medical workers is positive, but not enough - Decent Labor Platform \(shroma.ge\)](#)

clinics, employing warnings as the disciplinary measure.⁴⁸

Furthermore, as per the information from the Labor Inspection Service, a significant development occurred on March 24, 2023, with the launch of the minimum hourly wage electronic portal (<https://minwage.moh.gov.ge/>). Ongoing technical enhancements to this portal are being undertaken with the support of the Agency of Information Technology Agency.⁴⁹ In line with this, a draft order from The Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia has been proposed. Titled “On methods and procedures for supervising the issues of minimum hourly wages of employees in clinics included in the universal health care program and approving a special electronic program,” this order aims to facilitate electronic supervision. It will enable the monitoring of working hours and remuneration for employees in clinics under the universal health care program through an advanced electronic system.⁵⁰

Given these developments, the ongoing effective supervision by the State Labor Inspection Service is crucial to ensure that clinics comply with the state-established minimum wage standards in practice.

Recommendation 4. Develop and introduce a module for the certification of nurses with the

48. Letter #02300480869 dated May 5, 2023 of the Labor Inspection Service.

49. Ibid.

50. Ibid.

involvement of experts in the field

Based on the details shared by the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, there is an ongoing commitment to enhancing the professional development and regulatory frameworks for nurses and midwives. As per the provided information, on March 10, 2023, the composition and regulations of the “National Council for the Professional Development and Regulation of Nurses and Midwives” was approved, which serves as the pivotal coordinating entity in the formulation and execution of policies for the professional advancement of nurses and midwives.⁵¹

Furthermore, the Ministry’s update indicates that the revised nursing development framework encompasses significant transformations. These changes align with the commitments outlined in the Association Agreement with Europe and incorporate global best practices. A notable inclusion is the certification requirement, now deemed essential for practicing in this profession.⁵² Presently, the Nursing Council is actively engaged in crafting pertinent legislative amendments to this effect.⁵³

The Ministry also underscores the government’s heightened focus on improving working conditions, rights, and social services for nurses. This focus is an integral part of the long-term strategy aimed at reinforcing professional standards for nurses and boost-

51. #MOH 22300611568 letter of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, dated 12 June, 2023.

52. Ibid.

53. Ibid.

ing interest in the nursing profession.⁵⁴

In light of these developments, it is crucial for the state to ensure the prompt and effective implementation of these recommendations and to see through the initiatives already underway in this sector.

ACCESS TO SOCIAL RIGHTS FOR THE LGBTQI COMMUNITY

This chapter evaluates the implementation of the recommendations issued to improve the legal status of LGBTQI people within the framework of the study titled “the Main Challenges of the Social Protection System for Various Protected Groups in Georgia,” which was prepared by the Equality Coalition.⁵⁵ The study specifically focuses on examining the accessibility of employment, healthcare, education, and housing for the LGBT community. In line with the issues identified by community representatives in focus groups, the document is poised to formulate comprehensive recommendations tailored for both central and local governmental entities.

Status of implementation of recommendations

Recommendation 1. Develop a comprehensive strategy to ad-

54. Ibid.

55. Study is available at: http://www.equalitycoalition.ge/files/shares/160x230mm_Pages.pdf

dress persistent homo/bi/transphobic discriminatory attitudes in society;

Recommendation 2. Develop a plan/strategy for the economic empowerment of LGBT+ individuals;

Recommendation 3. Incorporate principles of prohibiting hate speech, harassment, and discrimination into professional ethics codes;

Recommendation 4. Develop a strategy to raise awareness about reducing stigma related to HIV/AIDS;

Recommendation 5. Develop a concept of asylum (housing) tailored to the needs of the community.

Status: Unfulfilled

The recommended changes/additions focused on the legal status of LGBTQI individuals by the relevant authorities in the documents of relevant politics were intended as per the letter dated 23 March 2023 from the Parliament of Georgia to the Government of Georgia, endorsing the 'National Strategy for the Protection of Human Rights in Georgia (2022-2030)'. The LGBTQI community issues, including overcoming homo/bi/transphobia, was not included in any of the document's priority directions.

Recommendation 6. Develop trans-specific health-care regulations (establish a legal mechanism for recognizing gender based on self-expression; develop trans-specific protocols and guidelines).

Status: Unfulfilled

In the letter of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs dated 4 July 2023, the Ministry noted that the National Clinical Practice Recommendation - Guideline and the State Standard for Clinical Condition Management - Protocol had not been presented for their review. Consequently, the ‘National Council for the Development, Evaluation, and Implementation of Clinical Practice Guidelines and State Standards for Clinical Condition Management (Protocols)’ could not be adopted by the Ministry.

Additionally, despite the decision of the European Court of Human Rights on 1 December 2022 (case A.D., A.K., and N.G. against Georgia),⁵⁶ the state did not develop a legal mechanism for recognizing gender based on self-expression.

Recommendation 7. Labor rights (create effective mechanisms for fighting discrimination at the workplace; strengthen the labor inspection mandate to identify discrimination in labor relations).

Status: Unfulfilled

Generally, no significant legislative or institutional changes were made to strengthen the mandate of labor inspection and identify discrimination in labor relations. It is noteworthy that in the accounting period of 2021-2023, only one complaint was registered in the labor inspection regarding discrimination based on sexual orientation. In the course of the proceedings, while the legal threshold to establish discrimination was not reached, the agency did determine a violation of anti-discrimination provisions by

56. Available at: <https://hudoc.echr.coe.int/fre#%7B%22item%22:%7B%22001-221237%22%7D%7D>

the employer, alongside a failure to practically implement these provisions (mechanisms).⁵⁷

Recommendation 8: Improvement of health services (provision of comprehensive health services for HIV-positive people; elimination of systemic barriers in the process of receiving mental health services and expansion of their accessibility).

Status: Unfulfilled

The intention behind these recommendations was to enhance health services, catering comprehensively to the requirements of community members and targeted populations, however, there were no developments in this direction during the reporting period.

57. Letter dated June 30, 2023, from the Labor Inspection Service of Georgia

