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„შშპ პირთა უფლებების შესახებ“ კანონპროექტის  
განხილვას აფასებენ

## PERSONS WITH DISABILITIES AND ORGANIZATIONS EVALUATE THE REVIEW OF THE DRAFT LAW ON THE RIGHTS OF PERSONS WITH DISABILITIES BY THE PARLIAMENT

We, the signatory organizations and activists, support the process of reviewing the draft law on the rights of persons with disabilities and call on the Parliament of Georgia to ensure full compliance with the package of legislative changes and the active involvement of the community of the persons with disabilities in the process of discussion.

We remind you that the package of legislative changes was registered in Parliament in February 2020. Before the initiation in the multi-year process of drafting of the law by the Ministry of Justice to ensure the involvement of persons with disabilities and

organizations posed a significant challenge. The work process has not become a platform for large-scale review and discussion, which would be the basis for the creation of effective legislative mechanisms in response to the visions, challenges, and recommendations of community members.

Along with the challenges regarding involvement, the content of the draft law is also problematic. Despite some positive changes, the draft law, due to its declarative nature, largely fails to change the rights of persons with disabilities, and in some cases sets a lower standard than the UN Convention on the Rights of Persons with Disabilities. The document also omits several issues that pose a significant challenge to Georgia's reality (e.g. directing the deinstitutionalization process). Concerning the drafting of the law, as well as content issues, a public statement and assessment were developed by persons with disabilities and organizations working on their rights, which were sent to Parliament in written form.

As for the participation of the community of persons with disabilities in the committee hearings, on the one hand, the fact that information about the discussions was available only on the website of the Parliament and a variety of forms of information were not used posed the challenge. As a result, a relatively small number of people had information about the meetings. However, during one of the committee hearing, the meeting hall was not accessible for persons with disabilities of wheelchair users, as a result of which the activist, with great obstacles, entered the hall actually in a degrading manner (several people picked up the wheelchair). The above factors significantly hindered the effective and active involvement of the community of persons with disabilities in the process.

During the first reading of the document in the committees, the risk of spreading of COVID-19 in the country increased significantly. Due to the importance of the draft law, activists with disabilities and organizations addressed with a statement to the parliament. The statement concerned the postponement of review of the draft law due to the dangerous situation in the country and the inclusion of a significant part of the representatives of this group in the risk group and the resumption of processes only when the alarming period had elapsed and the risk of infection would no longer exist. The statement once again emphasized the need for effective and uninterrupted involvement of persons with disabilities in the review of the draft law. Despite the above statement, on March 16 the Human Rights and Civil Integration Committee reviewed the draft law. There was indeed an opportunity for persons with disabilities

to ask questions through certain electronic means, but this format could not be a mechanism for discussion, exchange of views, and effective involvement in the process.

At the same time, it should be emphasized that on March 18 a video conference was held in connection with the draft law, which was attended by members of the community of persons with disabilities, representatives of organizations working on their rights, and MP Rati Ionatamishvili. Certainly, during the video conference, the draft law and the accompanying package of legislative changes could not be fully discussed and there were expectations of additional meetings, as well as feedback on sharing positions and recommendations presented during the meeting, which did not take place.

On June 18, the Human Rights and Civil Integration Committee reviewed the draft law in a second reading, without the participation of persons with disabilities. Although the information on the discussion of the draft law was posted on the website of the Parliament, taking into account the needs of different groups, access to information in this form alone cannot be considered an effective mechanism and it was necessary to use a variety of formats for this purpose. However, it should be noted that being in the risk group of COVID-19 substantially prevents the presence of persons with disabilities who wish to attend committee discussions. Therefore, this factor must be taken into account by the Parliament in the planning process.

Given all the above, it is clear that for the greatest part one of the most important international standards has been neglected - the principle of actual and effective involvement of persons with disabilities in the decision-making process of the government. Accordingly, we reiterate our readiness to cooperate with the Parliament and the Ministry of Justice and to participate in the working meetings, where we will have the opportunity to present our views and recommendations on the draft law in detail. Only active communication will allow us to refine the document to ensure its full compliance with international standards and make the draft law a mechanism for protecting the rights of persons with disabilities. However, it is important to consider the challenges faced by people with disabilities under the conditions of COVID-19, many of whom may not be able to attend discussions/meetings. We simply acknowledge the importance of the Law on Persons with Disabilities in improving the rights of this group, however, it should be adopted through the use of real and effective inclusion mechanisms for persons with disabilities, while the limitations of

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COVID-19 will be taken into account.

Based on all the above, the signatory organizations and activists will address the Parliament of Georgia with relevant recommendations:

- To provide working meetings with persons with disabilities and organizations working on their rights as soon as possible, within the framework of which the opinions and recommendations related to the draft law and the accompanying legislative package will be discussed in detail aimed at refining the above-mentioned documents. To this end, it is important to create mechanisms and formats (for the most part, remote) that, on the one hand, ensure the involvement of the community in the process and, on the other hand, will take into account the risks of COVID-19 infection and the vulnerability of a significant part of the persons with disabilities to this infection;
- Take all appropriate steps to prevent the draft law from being declarative, as well as to set the standard of all rights and mechanisms of its enforcement under the UN Convention on the Rights of Persons with Disabilities;
- Take measures to bring the draft law into full compliance with the UN Convention on the Rights of Persons with Disabilities, including the concept of reasonable accommodation and universal design, as well as the essence of the social model and establish a legal basis for the provision of necessary services to different groups;
- Given the importance of the draft law, ensuring that do not adopt it in a hasty way to give a broad representation of the community of persons with disabilities to state its position on the project.

Accessible Environment for Everyone

Partnership for Human Rights (PHR)

Human Rights Education and Monitoring Center (EMC)

Sachkhere's Registered Union of persons with disabilities

Georgian Young Lawyers' Association (GYLA)

The coalition of Organizations of Persons with Disabilities and Their Parents

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"Movement for Changes".

SOS Children's Villages Georgia

McLain Association for Children

Global Initiative on Psychiatry -Tbilisi (GIP - Tbilisi)

Georgian Down Syndrome Association

Families against Discrimination (FAD)

Partnership for Social Welfare

Union Woman and Reality

Partnership for Equal Rights (PER)

The network of Women with Disabilities

The platform for New Opportunities

Wolfram Syndrome - Georgia

Portage Association of Georgia

Parent Information Center (PIC)

Foundation Aures

NGO "To make Friend"

Movement "Inclusive society - Georgia"

Every Tenth of Us

Association of Parents of Children with Nervous Diseases

Goga Gogatishvili - Activist of the rights of persons with disabilities

Davit Bibileishvili - Activist of the rights of persons with disabilities

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Gela Beradze – Independent Activist

Esma Gumberidze - Activist of the rights of persons with disabilities

Koba Nadiradze - Activist of the rights of persons with disabilities

Natia Gogolashvili – Independent activist

Leila Khahapuridze - Wolfram Syndrome - Georgia

Gia Jvarsheishvili - Activist of the rights of persons with disabilities

Mariko Kobakhidze - Activist of the rights of persons with disabilities

Shorena Kravelidze – Independent Activist