

ON SOCIAL PROTECTION OF PERSONS WITH DISABILITIES

Law of Georgia No 959 of 16 October 1997 - The Gazette of the Parliament of Georgia No 44, 11.11.1997, p. 68

Law of Georgia No 972 of 20 June 2001 - LHG I, No 22, 6.7.2001, Art. 81

This Law serves as the basis for the state policy towards persons with disabilities and is intended to ensure equal enjoyment of rights by persons with disabilities, as well as to create favourable conditions for these persons to lead full lives and participate in the economic and political activities of the society.

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Chapter I - General Provisions

Article 1 - Legal framework governing the legal status of persons with disabilities

1. The legal status of persons with disabilities in Georgia is determined by the United Nations (UN) Declaration on the Rights of Disabled Persons of 9 December 1975, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the UN on 20 December 1993, the Constitution of Georgia, this Law and other legislative acts in force.

2. Discrimination against persons with disabilities shall be prohibited and shall be punishable by law.

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Article 2 - Persons with disabilities

Persons with disabilities are persons with substantial physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and efficient participation in society on an equal basis with others.

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Law of Georgia No 2103 of 7 March 2014 - website, 19.3.2014

Article 3 - The role of the State in providing social protection to persons with disabilities

1. The State shall provide social protection to persons with disabilities and create necessary conditions for their individual development, and realisation of their creative and production capabilities.

2. The State shall provide additional guarantees to children with disabilities in order for them to exercise their rights and legal interests.

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Article 4 - Protecting rights and legal interests of persons with disabilities

The rights and legal interests of persons with disabilities shall be protected as determined by court or by law.

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Article 5 - Sign language

The State shall recognise sign language as a means for interpersonal communication and shall create necessary conditions for its use and development.



Article 6 - International agreements of Georgia in the area of social protection of persons with disabilities

If the international agreements of Georgia contain provisions different from this Law, the provisions in the international agreements shall prevail.

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Chapter II - Creating Conditions for Unhindered Use of Social Infrastructure by Persons with Disabilities

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Article 7 - Ensuring that persons with disabilities have access to residential buildings and other social infrastructure facilities

State agencies, enterprises, institutions and organisations shall create conditions for persons with disabilities to allow them to freely move and orient themselves or use residential, public and business premises, transport and transportation services, and means of communication and information.

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Article 8 - Considering the needs of persons with disabilities when designing and constructing social infrastructure facilities

It shall be inadmissible to design and construct residential areas, to develop residential districts, to work out design solutions, to build and reconstruct buildings and facilities, including educational, cultural and entertainment, as well as, sports and recreation facilities, airports, railway stations, sea and river transportation communications and facilities, individual means of communication and information unless those facilities meet the needs of persons with disabilities.

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Article 9 - Meeting the needs and requirements of persons with disabilities at cultural and entertainment centres and sports facilities

1. Higher state, local self-government and administrative bodies shall be obliged to create a proper environment where persons with disabilities can use cultural and entertainment centres and sports facilities, and also to provide them with special sports equipment and other necessary means.

2. Persons with disabilities shall have access to these services free of charge or on concessionary terms under the legislation in force.

3. The conditions, and procedures for providing those services to persons with disabilities, as well as benefits, shall be determined by the Government of Georgia.

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Law of Georgia No 1247 of 20 September 2013 - website, 8.10.2013

Article 10 - Contribution of enterprises, institutions and organisations in funding construction of sociocultural and sports facilities, and in purchasing and maintaining equipment

Enterprises, institutions and organisations, irrespective of their form of ownership and business, may finance the construction of sociocultural and sports facilities designated for persons with disabilities and purchase and maintain the equipment. Those funds shall not be taxed under the legislation in force.

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Article 11 – Social and domestic services for persons with disabilities

Local self-government and administrative bodies shall provide persons with disabilities with social and domestic services, including supply of food and primary commodities, utility and other services in a manner and under conditions prescribed.

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Article 12 - Concessions for enterprises and organisations producing goods and equipment for persons with disabilities



Enterprises and organisations producing manufactured goods, special technical and other equipment for persons with disabilities and specialising in the disability services sector shall be granted concessions in a manner and under conditions prescribed by the legislation of Georgia.

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Chapter III - Medical, Professional and Social Rehabilitation of Persons with Disabilities

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Article 13 – Provision by the State of medical, professional and social rehabilitation services to persons with disabilities

1. The State shall organise and facilitate formation and development of a medical, professional and social rehabilitation system for persons with disabilities. This system shall be a combination of actions focused on restoration of and compensation for impaired or lost body functions, self-service skills and the ability to pursue various professional activities. Also, the system shall allow persons with disabilities to lead a full life and exercise their rights and potential.

2. The State shall fund and organise scientific research and training of specialists in appropriate preventive actions for medical, professional and social rehabilitation.

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Article 14 - Individual programme for rehabilitation of persons with disabilities

1. Medical, vocational and social rehabilitation of persons with disabilities shall be carried out through an individual rehabilitation programme on the basis of a sociomedical assessment organised by the authorised state agencies.

2. Individual rehabilitation programmes recommended for persons with disabilities shall define the specific extent, types and times of rehabilitation actions, as well as forms of social assistance.

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Article 15 - Binding nature of the individual rehabilitation programme

The individual rehabilitation programme for persons with disabilities is a document that shall be binding for respective state and other enterprises, institutions and organisations.

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Article 16 - Rehabilitation institutions for persons with disabilities

Based on the local conditions and the rehabilitation treatment needs of persons with disabilities, higher state, local self-government and administrative bodies shall establish a rehabilitation network, including a network of scientific and production centres, rehabilitation treatment departments at outpatient and inpatient training and prophylactic institutions, special educational and health resort institutions, enterprises and institutions providing social and domestic services to persons with disabilities.

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Chapter IV - Education and Professional Training of Persons with Disabilities

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Article 17 - Creating conditions for education and professional training of persons with disabilities and preschool education of children with disabilities

1. The State shall provide persons with disabilities with necessary conditions for education and professional training.

2. Educational institutions together with healthcare and social security authorities shall provide preschool and out-of-school education to children with disabilities in order to create favourable opportunities to provide appropriate rehabilitation assistance to them, also to provide secondary specialised education and higher education to persons with disabilities according to their individual rehabilitation programme.



Article 18 – General secondary education, secondary specialised education and higher education of persons with disabilities, home upbringing and education of children with disabilities

1. Persons with disabilities shall receive general secondary, secondary specialised and higher education at general educational institutions, or if necessary, at appropriate special educational institutions.
2. Classes shall also be organised for children who are receiving treatment at inpatient departments of medical facilities or at rehabilitation institutions.
3. If it is impossible to train and educate children with disabilities at general or special preschool educational institutions, they may be trained and educated at home if desired by their parents. Financial support and benefits provided to one of the parents or to his/her substitute shall be determined by the legislation of Georgia.
4. Appropriate educational institutions shall assist parents or their substitutes in homeschooling children with disabilities.
5. Educational and other state authorities shall be obliged to properly organise out-of-school education of children with disabilities in order to ensure all-round and harmonious development of those children, to help them develop interests in social activities and work, to familiarise them with science, technology, art and sports.
6. Children with disabilities staying at inpatient facilities for a long time (not-permanently) shall be provided with continuous education and training by those facilities in organic connection with social and labour adaptation.

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Article 19 - Professional training and upgrading qualification of persons with disabilities

Specialised or general educational institutions, enterprises and organisations, together with social assistance bodies, shall provide training and upgrading of persons with disabilities according to their individual rehabilitation programmes. Material support to persons with disabilities during their training and upgrading shall be provided in a manner and under conditions prescribed by the legislation of Georgia.

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Article 20 - Forms of education, professional training and upgrading of qualification of persons with disabilities

Education, professional training and upgrading of qualifications of persons with disabilities shall be conducted in different forms, namely by attending classes, by distance learning, by external studies, in special groups, by classroom training and by a personalised curriculum, including homeschooling.

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Chapter V - Labour Rights of Persons with Disabilities

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Article 21 - Realisation of labour rights by persons with disabilities

In order to exercise their creative and production capabilities, persons with disabilities, in compliance with their individual rehabilitation programme, shall have the right to work at enterprises, institutions and organisations operating under normal labour conditions, irrespective of their form of ownership and business, at specialised enterprises, workshops and units where the labour of persons with disabilities is used; also they shall have the right to conduct individual and other forms of labour activities permitted by law. Persons with disabilities may not be refused employment or promotion, may not be dismissed at the initiative of the administration or transferred to another position without the consent of the disabled person on the grounds of disability, except where, according to a sociomedical assessment, performance of their official duties harms their health or endangers health and labour safety of other persons.

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Article 22 - Labour conditions of persons with disabilities

1. Appropriate labour conditions shall be created according to their individual rehabilitation programme for persons with disabilities employed at enterprises, institutions and organisations.



2. Labour conditions determined by collective and individual employment agreements, including salary, working and rest hours, duration of annual and extra leaves shall not worsen the situation or limit the rights of persons with disabilities in comparison with other employees.

3. Higher state, local self-government and administrative bodies shall assist persons with disabilities working at-home or individually in obtaining non-residential facilities for their activities, in purchasing raw materials and in selling finished products.

4. Persons who were declared disabled due to work-related injuries or occupational diseases shall receive compensation for the damages incurred from enterprises, organisations (irrespective of their form of the ownership or business) at fault, as provided by the legislation of Georgia.

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Article 23 - Benefits and privileges for care givers of persons with disabilities

Family members or other persons who take care of persons with first degree disabilities shall enjoy privileges (work and rest hours, leave, etc.) at enterprises, institutions and organisations as provided by the legislation of Georgia.

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Chapter VI - Social Assistance to Persons with Disabilities

Article 24 - Social assistance to persons with disabilities; forms of social assistance

1. Persons with disabilities shall receive social assistance in the form of financial support (pensions, allowances, etc.), as well as in the form of technical and other means, including motor vehicles, wheelchairs, prosthetic and orthopaedic appliances, special script publications, sound amplification devices and signalling system, also in the form of medical, social and professional rehabilitation services and domestic services.

2. During their employment all persons with severe disabilities and persons with significant visual impairment shall retain pensions awarded to them according to the corresponding disability status.

3. Pensions and other allowances shall be awarded to persons with disabilities under the legislation on pensions and social insurance.

4. Persons with disabilities shall be provided with medicinal, technical and other means as well as by domestic services free of charge or on concessionary terms as provided in the legislation of Georgia.

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Law of Georgia No 934 of 29 December 2004 - LHG I, No 4, 17.1.2005, Art. 17

Article 25 - Providing technical and other means to persons with disabilities

1. Persons with disabilities shall be provided with technical and other means according to their individual rehabilitation programme free of charge or on concessionary terms.

2. If state agencies fail to provide persons with disabilities with technical and other means determined by their individual rehabilitation programmes or if persons with disabilities purchase these means on their own, they shall receive compensation as provided by the legislation of Georgia.

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Article 26 - Home care services; inpatient facilities providing social assistance to persons with disabilities

1. Persons with disabilities in need of care givers or helpers shall be provided with medical and domestic services in their own homes or at inpatient facilities by social service agencies.

2. The State shall facilitate the development of the network of social care inpatient facilities for the category of persons with disabilities who need care givers.

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Article 27 - Rights of persons with disabilities who reside at care homes or other social care inpatient facilities

1. The State shall provide accommodation to persons with disabilities according to their individual rehabilitation programmes and taking into consideration their desires. The conditions provided to persons with disabilities at care homes or other social care inpatient facilities shall allow these persons to exercise their rights and legal interests.

2. If as a result of rehabilitation persons with disabilities no longer need to stay at care homes or other social care inpatient facilities, local self-government and administrative bodies shall provide them with accommodation, including disabled orphans or children without parental care, after reaching full legal age, under the legislation in force.

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Article 28 - State agencies providing social assistance to persons with disabilities

State agencies shall provide social assistance to persons with disabilities under the legislation of Georgia on the basis of the reports of sociomedical assessment services (sociomedical assessment commissions, medical consultation commissions, specialised expertise services).

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Article 29 - Sources of funding social assistance

1. Social assistance shall be funded from central and local budgets as well as from voluntary monetary contributions of organisations and citizens.

2. Enterprises, institutions and organisations funding social assistance activities shall enjoy tax concessions as provided in the legislation of Georgia.

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Chapter VII - Introducing and Developing Disability-specific Sports

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Article 30 - Introducing and developing appropriate disability-specific sports

Appropriate state agencies, together with public organisations of persons with disabilities, as well as with other interested legal and natural persons shall introduce and develop disability-specific sports.

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Chapter VIII - Public Associations of Persons with Disabilities

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Article 31 - Legal framework for establishment and operation of public associations of persons with disabilities

Under the legislation of Georgia, persons with disabilities and their representatives shall have the right to establish public associations, including non-entrepreneurial (non-commercial) legal entities, in order to protect, support and serve their rights and interests.

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Law of Georgia No 3976 of 14 December 2006 - LHG I, No 48, 22.12.2006, Art. 344

Article 32 - Activities designed for persons with disabilities and for public associations established by them

The State shall carry out economic measures (loans, exemption from taxes, targeted subsidies, special funds, etc.) in order to facilitate social integration and development of persons with disabilities and public associations established by them. The rules and conditions for using those economic activities, as well as their extent, shall be determined under the legislation of Georgia.



Chapter IX - Transitional Provision

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Article 33 - Transitional Provision

Government agencies shall be asked to replace the term ‘handicapped persons’ with the term ‘persons with disabilities’ in all subordinate acts.

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Chairperson of the Parliament of Georgia –

Head of State

Eduard Shevardnadze

Speaker of the Parliament of Georgia

Vakhtang Goguadze

Tbilisi,

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