



The Public Defender (Ombudsman) of Georgia

Submission to the 12th Session of the UN General Assembly Open-ended Working Group on Ageing

Contribution of older persons to sustainable development

Focus area 1: Contribution of older persons to sustainable development

The Scope:

Older persons have the right to contribute to sustainable development. The right to participate in, and contribute to development is affirmed in the Declaration on the Right to Development. Article 25 of the International Covenant on Civil and Political Rights recognizes the right to participate in public affairs. Effective and meaningful participation enables the advancement of all human rights. On the other hand, when older persons are denied the ability or opportunity to contribute, or when their contribution is not recognized or devalued, their dignity is denied. Understanding the contribution of older persons to sustainable development as a right enables States to identify steps that can be taken to uphold their dignity.

Substantive guiding questions:

National Legal and Policy Framework

1. What are the legal provisions, policy frameworks in your country that recognize older persons' right to participate in and contribute to sustainable development? This could include, but is not limited to:

- a) ensuring that relevant human rights (in particular the right to freedom of opinion and expression, the right of access to information, and the rights to freedom of peaceful assembly and of association) are protected and implemented;

The relevant rights are enshrined in the Constitution of Georgia for all human beings. Also, the general legal framework regulates mentioned rights for everyone and does not specifically mention older persons. The contribution of older persons to sustainable development as a right is not recognized by any legal framework.

The Constitution of Georgia:

Article 11 – Right to equality

All persons are equal before the law. Any discrimination on the grounds of race, colour, sex, origin, ethnicity, language, religion, political or other views, social affiliation, property or titular status, place of residence, or on any other grounds shall be prohibited.

Article 17 – Rights to freedom of opinion, information, mass media and the internet

Freedom of opinion and the expression of opinion shall be protected. No one shall be persecuted because of his/her opinion or for expressing his/her opinion. 2. Every person has the right to receive and impart information freely.

Article 21 – Freedom of assembly

Everyone, except those enlisted in the Defence Forces or bodies responsible for state and public security, shall have the right to assemble publicly and unarmed, without prior permission.

Article 22 – Freedom of association

Freedom of association shall be guaranteed.

Concept of state policy on population aging in Georgia

The only legal provisions, a policy framework that recognizes older persons' rights is State Policy on Aging in Georgia. The concept sets out 10 commitments that, determine specific measures and policy principles. These responsibilities are the following: [...] *to ensure full integration and inclusion in the older persons' community; Promoting equal and sustainable economic growth in response to an aging population.*

However, Georgia has no national action plan in place based on State Policy on Ageing. The National Action Plan for 2017-2018 on Official Conception of Ageing of Population in Georgia has expired. Most of the commitments enshrined in this action plan have not been fulfilled. As a result, the country does not have a policy document enforcement mechanism.

b) *Protecting and enhancing civic space and collaboration with civil society that represents the voices of older persons in sustainable development*

N/A

c) *good practices to ensure older persons' participation in, and contribution to sustainable development*

N/A

2. *What are the challenges faced by older persons for the realization of their right to contribute to sustainable development at national and international levels?*

The voices of older persons are not always heard since the oldest age groups are not necessarily included in different surveys. They do not have easy access to information. Older persons either do not have access to technology at all, or cannot take full advantage of these opportunities. This barrier prevents them from participating in social, cultural, economic and political life fully. In the vaccination process against COVID-19, when for a long time the registration of those wishing to be vaccinated had been done only online, through a website, older people and especially those living in rural areas did not have access to this service.

3. *What data, statistics and research are available regarding older persons' contribution to sustainable development?*

Labor Market Management Information System - worknet.gov.ge is a database of job seekers, employers, vacancies, educational programs and providers. The information system produces statistics on the data of registered jobseekers (including older persons). As of today, the number of job seekers registered in the system is at 350 000. Only 1.5% (4929) of the registered job seekers are older persons. The employment rate is in total 1.34 % (4720) for 2020 and 2021, while the employment rate for the older persons in the same years was at 0.07%, i.e. 26.

Equality and non-discrimination

4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviors that devalue older persons' contribution to sustainable development?

Information on measures taken by the Georgian Government against stereotypes that devalue older persons' contribution to sustainable development and to eliminate ageism is not available. Although the following measures were taken by the Public Defender's (Ombudsman) Office (PDO) in this regard: Law of Georgia on the Elimination of all forms of Discrimination is intended to eliminate every form of discrimination and to ensure equal rights of every natural and legal person under the legislation of Georgia, irrespective of race, skin color, language, sex, **age**, citizenship, origin, place of birth or residence, property or social status, religion or belief, national, ethnic or social origin, profession, marital status, health, disability, sexual orientation, gender identity and expression, political or other opinions, or other characteristics. Within the powers implied by this law, the Public Defender of Georgia shall monitor issues regarding the elimination of discrimination and ensure equality.

Within this framework PDO tries to meet those objectives through the following activities:

- **Conducting awareness-raising meetings** - PDO conducts the meetings on a regular basis with the representatives of the local self-government agencies in order to prevent discrimination based on age when drafting their social and healthcare programs. In addition, currently, PDO plans to create an anti-discrimination electronic course for them. Other target groups also include the general population and other vulnerable groups.
- **Examination of cases** - As the national equality institution, PDO issues recommendations and general proposals on discrimination cases. Recommendations aim to restore the rights of victims of discrimination, general proposals aim to prevent and combat discrimination on a systemic level. For example, lately, PDO examined the case on limited access to travel insurance for older people. The facts of the case were as follows: one of the market-dominant insurance companies in Georgia issued travel insurance documents to every person. However, for people aged 70 and above travel insurance did not finance medical expenses (as it covered only expenses for the transfer of the deceased). The insurance company stated that 70 and above age is the risk, unconditionally excluding the possibility of covering medical expenses. PDO assessed the fact as discriminatory.
- **Providing statistical information on equality** - PDO publishes statistical information. The data is aggregated by grounds, among them is age as well. For example, as the 2021 statistics reveal, applications concerning unequal treatment on the ground of age were 3%; in 2020 and 2019, these numbers were at 7% and 2% respectively.
- **Publishing special annual reports on equality** - Special Annual Reports on Equality emphasize challenging issues and those documents always cover the problem of age discrimination in Georgia.

Another example of PDO's work on equality issues is an appeal to the Constitutional Court of Georgia. According to the Law of Georgia on Special Penitentiary Service, "*an employee who has a junior special rank can serve in the service for up to 60 years.*" The Public Defender considered that the mentioned restriction contradicts the right to equality guaranteed by the Constitution of Georgia. Accordingly, within the mandate PDO applied to the Constitutional Court of Georgia with a constitutional appeal related to the conformity of normative acts with the Second Chapter (Fundamental Human Rights) of the Constitution of Georgia.

Remedies and Redress

5. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to participate in and contribute to sustainable development?

A person has the possibility to file a complaint with the Public Defender if the complainant feels that a public authority or an official has not observed the law or fulfilled a duty, or if the complainant suspects that fundamental and human rights have not been appropriately implemented.

Focus area 2: Economic security

National legal and policy framework

1. What are the legal provisions and policy frameworks in your country that guarantees the minimum essential level of the enjoyment of economic, social and cultural rights, in particular the right to an adequate standard of living?

The main mechanism through which the Georgian Government provides support to the most destitute of the country's population is the "Targeted Social Assistance Program" (TSA), which covers both cash transfer and in-kind benefits. "The Targeted Social Assistance Program" was introduced in the country in 2006 in conjunction with development of a methodology for the assessment of families' socio-economic standing. The demand for social assistance is quite high, however, it only covers poor families. In particular, as of December 2021, up to 1.7 million people (approximately 40% of the population) are registered in the targeted social assistance database, out of whom 443,000 are receiving subsistence benefits. Accordingly, the state managed to provide subsistence allowance to only some of the registered families. Therefore, many poor families are left without social assistance or other services related to socially vulnerable status. This is the result of a high poverty rate persisting in the country.

TSA provided less opportunity to overcome poverty. In particular, employment was tantamount to losing subsistence allowance for the beneficiaries, as the TSA was accommodated to such minimal needs that any change in income, even a minor salary or other economic activity, would result in an increase of the rating score. The Public Defender was recommending to make changes in the program aiming to encourage beneficiaries to overcome poverty. Just recently, the amendments introduced in the subsistence allowance regulations state that families under the subsistence allowance program will remain in the database for a certain period of time in case their salaries are reflected in the data of the Revenue Service. The Public Defender will observe the implementation of this system and will assess the process and effectiveness of the measures envisaged by the legislation.

Unfortunately, older persons' poverty and social vulnerability have been among the most important and pressing issues in the country. There is neither a proper social protection system, nor a relevant strategy that would ensure the delivery of fair, targeted and effective assistance to the population while maintaining a focus on empowering vulnerable groups and overcoming poverty.

2. How is poverty defined in the national policy framework?

There is no official definition of poverty in Georgia.

3. What are challenges faced by older persons living in poverty, including the impact of intersectional discrimination and inequality based on age, gender and other grounds?

Unequal state security system - as age-related pensions aim to eradicate/prevent poverty, the following challenge is worth mentioning in this direction. General regulations in force in Georgia prohibit the simultaneous receipt of two or more social packages, as well as the enjoyment of age-related pension or a state compensation together with a social package (there are some exceptions). This general rule negatively affects older people, in particular:

- An older person with a disability is unable to receive the social package (financial assistance because of his/her disability) and age-related pension at the same time;
- An older person who has dual citizenship, cannot receive the Georgian social package if he/she is the receiver of the age-related pension in the second County (however, other circumstances of the case are also important).

4. What data, statistics and research are available regarding older persons living in poverty?

In Georgia, older persons are a vulnerable group and find themselves at a higher risk of poverty compared to the rest of the population. Nevertheless, no official statistics are produced in the country on the poverty rate of the older persons. Based on PDO's observation and monitoring, they often depend on social benefits and pensions and live in difficult socio-economic conditions. More than 25% of the population registered in the Targeted Social Assistance Program (TSA) are older persons. The statistical information on the social protection of older persons is maintained by the Social Service Agency. According to this data there are 41,995 (1% of the whole population) socially vulnerable older persons, living alone in Georgia.

Statistics and data are collected by the National Statistics Office of Georgia as well. According to this data, persons receiving a pension and social package, in total, are 971.6 thousand, persons receiving pension (old age) 793.8 thousand (total population of the country is 3 728.6 thousand).

Equality and non-discrimination

8. *What measures are being taken to eliminate ageism and discrimination based on age that prevent older persons to access economic and other productive resources, including financial services, land, adequate housing and the right to inheritance?*

PDO as an equality body issued the special report that examines compliance of social and health care programs of local self-governments with the principle of equality. The document outlines age discriminatory regulations. For example, under a disease screening subprogram being implemented in the Tbilisi Municipality, beneficiaries of the prostate cancer screening component shall be Georgian citizens, the place of registration of which is the city of Tbilisi. The subprogram provides for a PSA test for men aged 50 to 70 years.

The content of the special report was shared with the local self-government representatives. PDO believes that such documents would prevent discriminatory policies and decisions. In addition, based on municipalities' applications, PDO consults them on drafting their programs in a non-discriminatory manner.

Remedies and redress

9. *What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their economic security and enjoyment of the right to an adequate standard of living?*

Households that do not agree with the ranking score which is a pre-condition for enrollment to Targeted Social Assistance Program have the right to re-apply to a territorial body of the Social Service Agency and request a re-assessment of the family's social standing. Re-assessment can be requested after a year following the last assessment. Primary assessment rules, procedures and terms will be applied during the re-assessment.

If the household is denied the request for the re-assessment, or if the family wants to challenge the ranking score derived as a result of the secondary assessment, they have the right to appeal against such decision in the Social Service Agency (the head office) and afterward, to courts.