



## Statement by the Coalition for Equality on Initiating Regressive Changes to Autism Subprogram

The Coalition for Equality, parents of children with disabilities, and other signatories and organizations respond to Tbilisi City Hall's decision to make changes to the subprogram on the rehabilitation of children with an autism spectrum disorder. The draft amendments envisage a reduction of services provided by the subprogram through decreasing the frequency of therapy sessions. This will cause serious harm to the right of children with autism to the highest attainable standard of health, as well as to the program efficiency and the possibilities of receiving positive results.

Tbilisi City Hall released a statement on May 17, 2017 concerning the planned amendments to the rules of funding the program. In particular, the amendments envisage a scaling down of the number of therapy sessions for children aged 7-15 years, reducing the total number of funded sessions per month from 20 to 15. It should be emphasized that the draft amendments were developed without any communication with the parents and family members of children with disabilities and it directly contradicts Georgian legislation, as well as the standards of the UN Convention on the Rights of Persons with Disabilities<sup>[1]</sup>, according to which all initiatives and amendments should be discussed with the community.

The human rights situation of people with disabilities, including children, faces serious challenges in the country. Children and their parents have to live in a discriminatory

environment and to struggle for their rights on a daily basis that is mainly expressed in demanding an equal environment and access as well as introducing and implementing effective rehabilitation, habilitation, and other types of services.

By introducing the program for children with autism in 2015, Georgia fulfilled its commitment undertaken upon joining the Convention<sup>[2]</sup> that was positively assessed by the parents of children with autism. But it should be noted that the program meets only minimum standards<sup>[3]</sup> and the state has an obligation to further improve the program<sup>[4]</sup>.

The right to the highest attainable standard of health (including rehabilitation and habilitation) is a social right in respect of which the State should not take retrogressive measures<sup>[5]</sup>. If any deliberately retrogressive measures are taken, the State has the burden of proving that “they have been introduced after the most careful consideration of all alternatives and that they are fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the State’s maximum available resources.”<sup>[6]</sup>

Based on the above mentioned, the Coalition for Equality assesses Tbilisi City Hall’s initiative on making changes to the program as a step backward, as it contradicts the best interests of the child and violates the Convention commitment on continuous improvement of the human rights situation<sup>[7]</sup>; in addition, with the purpose of saving monetary resources, it allows discriminatory age segregation of children especially as it is universally recognized<sup>[8]</sup> that all children, regardless of their differences, should be equally provided for with all available services in the country.

The Coalition for Equality and the signatories urge Tbilisi City Hall and the Tbilisi City Council to do the following:

- Tbilisi City Hall should reject the developed amendments, which will discriminatively violate the right to habilitation of children aged 7-15 years.
- To improve the subprogram, the relevant agency of Tbilisi City Hall should hold negotiations with the parents and family members of children, as well as with civil society organizations working on the issue.

- If Tbilisi City Hall disregards the present statement, the Sakrebulo should reject making similar changes to the subprogram on autism.

### **Signatories:**

The Coalition for Equality (an informal union, which was established in 2014 with the support of Open Society Georgia Foundation and which unites eight civil society organizations)

### **Members of the Coalition:**

Open Society Georgia Foundation (OSGF)

Human Rights Education and Monitoring Center (EMC)

Article 42 of the Constitution

Union Sapari

Georgian Young Lawyers' Association (GYLA)

Women's Initiatives Supporting Group (WISG)

Partnership for Human Rights (PHR)

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[1] The UN Convention on the Rights of Persons with Disabilities, article 4(3)

[2] The same Convention, article 26(1)

[3] The organizations implementing the Tbilisi City Hall-sponsored autism program sent a joint letter to it noting that the program standards are absolutely insufficient

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and they need further increase and improvement.

[4] The same Convention, article 26(2)

[5] UN Committee on Economic, Social and Cultural Rights (CESCR); General Comment No. 13; 08.12.1999, paragraph 45

[6] See above

[7] The UN Convention on the Rights of Persons with Disabilities, Article 4(2)

[8] The United Nations Convention on the Rights of the Child, Article 2; The UN Convention on the Rights of Persons with Disabilities, Article 7