



DISCRIMINATORY TREATMENT TOWARDS A DISABLED PERSON BY TBILISI MUNICIPALITY HAS BEEN ESTABLISHED

Georgian Young Lawyers Association (GYLA) was approached for assistance by a person with significant disability, for whom communication with the physical environment had become limited under the resolution of Tbilisi Sakrebulo, which determined the rule of parking vehicles within the administrative boundaries of Tbilisi.

As a result of the amendments introduced on 27 December 2016, people with severe and moderate forms of disabilities were no longer issued special identity signs, which gave disabled persons the possibility to park in the areas designated for people with

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disabilities.

Regarding the given case, we appealed to the Public Defender of Georgia with the argument that the amendments violated Article 9 of the UN Convention on the Rights of Persons with Disabilities, pursuant to which the States Parties shall take appropriate measures to ensure persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, as well as other facilities and services open or provided to the public both in urban and in rural areas.

For its part, Tbilisi Sakrebulo denied the fact of discrimination and explained that a differentiated approach towards people with disabilities had been laid down by Decree N1 / 6 of the Ministry of Labor, Health and Social Affairs of Georgia of 13 January 2003, which clearly delineated between persons with severe and moderate disabilities.

In the given case, the Public Defender has established the discrimination by Sakrebulo on the grounds of disability. According to the Public Defender, depriving all persons with disabilities who can drive of the right to use special parking spaces is a disproportionate measure. Furthermore, there was no legitimate aim of such limitation, which would be based on relevant medical studies or observations.

With the view to eliminating the discrimination, Tbilisi Municipality has been advised to define the rule in such a manner that the possibility of obtaining a special identification sign should be determined by the individual needs of persons with disabilities and in case of equal needs to provide equal access to parking spaces.