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January 9, 2014

The Honorable John Kerry
Secretary of State
U.S. Department of State

Subject: US Government funding of segregated institutions for persons with disabilities overseas where serious human rights violations are taking place

Dear Mr. Secretary:

On December 16, 2013, Disability Rights International (DRI), released a report, "**Left Behind: The Exclusion of Children and Adults with Disabilities from Reform and Rights Protection in the Republic of Georgia.**" The report received extensive press coverage in Georgia and has been supported by 57 local organizations. This month, BBC World News publicized DRI's findings (see: <http://www.bbc.co.uk/news/world-europe-25575094>).

DRI documented that USAID, the US Department of Defense and the US Department of State funded the rebuilding or renovation of several segregated institutions for people with disabilities in Georgia, including the construction of two new institutions for adults with disabilities. **The United States government bears a special responsibility for addressing the human rights violations now taking place against the children and adults in Georgia detained in facilities that were funded by the US taxpayers.**

DRI's report identifies serious human rights violations against children and adults with disabilities in Georgia's institutions:

- Denial of medical care to children with disabilities has led to a mortality rate as high as 30% in Georgia's Tbilisi Infant Home;
- While non-disabled children from orphanages were integrated into the community, children with disabilities were left in institutions. Many children in Georgia are detained within an un-regulated shadow system of orphanages run by the Georgian Orthodox Church. It is impossible to know how many children are in these institutions as there is no governmental oversight. These children are at risk of trafficking due to the complete lack of human rights monitoring;
- Adult institutions (two of which were built with US-government funds) warehouse persons with disabilities for a life-time in inhumane and abusive conditions. Within these facilities, DRI has documented several cases of children being arbitrarily taken away from their parents and placed in orphanages.

Two years ago, DRI expressed concern to the US Agency for International Development (USAID) that while USAID funding was assisting Georgia through a process of reform to help children from orphanages live in the community, **children and adults with disabilities remained segregated from society in institutions.** [See *letter to Charlotte McClain-Nhlapo Feb. 29, 2012*]. DRI's report shows that, two years later, children with disabilities in Georgia's institutions have still not had the opportunity to return to family life in the community.

DRI brought our findings to the attention of the US Congress, and the US Senate Committee on Appropriations expressed concern in 2012 that:

...[US foreign aid to Georgia] resulted in the improper segregation of children and adults with disabilities during a period in which the Government of Georgia adopted a policy of deinstitutionalization for children. The committee directs USAID to rigorously implement its Disability Policy, which calls for community integration and full participation in society of people with disabilities, and ensure that USAID staff is properly trained. The Committee further directs USAID to work with Georgian officials, service providers, and disabled people's organizations to develop and implement a plan for the community integration of children and adults with disabilities who are in institutional settings. –US Senate Committee on Appropriations Report to accompany the 2012 Foreign Appropriations Bill (2012).ⁱ

DRI's report finds that USAID has still not taken meaningful action to integrate persons with disabilities residing in Georgia's US-funded institutions into the community. USAID's Disability Policy opposes the use of US funds to support segregated programs. DRI contends that US funding in Georgia violates the spirit of the USAID Disability Policy. Unfortunately, the policy does not explicitly prohibit funding orphanages or other segregated residential facilities for persons with

disabilities. We recommend that this policy be revised to clarify that support for such programs perpetuates discrimination.

DRI calls on the United States government to:

- **Revise the USAID Disability Policy to prohibit the use of US government funds for residential institutions that segregate persons with disabilities from society. Similar policies should be developed for the US Department of Defense and other US agencies operating abroad;**
- **Immediately provide funding for the creation of alternative community services to enable the deinstitutionalization of segregated facilities built with US funding in the Republic of Georgia;**
- **Develop policies which ensure the creation of rights protection mechanisms in all US-funded programs for persons with disabilities to protect against violence, exploitation and abuse.**

I welcome the opportunity to work with you on the protection of the basic human rights of children and adults with disabilities in Georgia and around the world.

Sincerely,



Eric Rosenthal
Executive Director
Disability Rights International

CC:

Stephen Haykin, Mission Director at USAID-Georgia

Judith Heumann, Special Advisor on Disability Rights at the US Department of State

Tom Malinowsky, Assistant Secretary for Democracy, Human Rights, and Labor at the US Department of State

Charlotte McClain-Nhlapo, Coordinator for Disability and Inclusive Development at the US Agency for International Development

The Honorable Richard Norland, U.S. Ambassador to the Republic of Georgia

The Honorable Victoria Nuland, Assistant Secretary of State for European and Eurasian Affairs at the US Department of State

Wendy Silverman, Foreign Affairs Officer at US Department of State

Enclosure:

Report, [Left Behind](#): *The Exclusion of Children and Adults with Disabilities from Reform and Rights Protection in the Republic of Georgia* by Disability Rights International (2013)

ⁱ Department of State, Foreign Operations, and Related Programs Appropriations Bill 2013, S. 3241, 112th Cong. (2nd Sess. 2013) (Committee on Appropriates submitted the Report to accompany S. 3241), *available at* <http://www.gpo.gov/fdsys/pkg/CRPT-112srpt172/pdf/CRPT-112srpt172.pdf>.