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EUROPEAN SOCIAL CHARTER

8th National Report on the implementation of the
European Social Charter

submitted by

THE GOVERNMENT OF GEORGIA

- Articles 7, 8, 17, 19, 27 for the period 01/01/2010
– 31/12/2013
- Complementary information on Articles 11§1 to
11§3 and 14§2 (Conclusions 2013)

Report registered by the Secretariat on

26 December 2014

CYCLE 2015

EUROPEAN SOCIAL CHARTER (revised)

8th National Report on the implementation of
The revised European Social Charter
Submitted by

The Government of Georgia
(Articles 7, 8, 17, 19 and 27
For the period 01/01/2010-31/12/2013)

CYCLE 2014

Report
Of Georgia for the implementation of Articles 7, 8, 17, 6, 19 and 27
of the European Social Charter (revised)

Tbilisi

For the period 1 January 2010 to 31 December 2013 made by the Government of Georgia in accordance with Article C of the Revised European Social Charter and Article 21 of the European Social Charter, on the measures taken to give effect to the accepted provisions of the Revised European Social Charter, the instrument of ratification or approval of which was deposited on 01 July 2005.

In accordance with Article C of the Revised European Social Charter copies of this report have been communicated to the:

- Georgian Trade Unions Confederation
- Georgian Employers Association

General remark: GoG responses given in the report, in some cases refer to articles of the Labour Code that have been elaborated and drafted in 2012 and came into force during 2013.

Article 7 – The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
2. To provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
3. To provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
4. To provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
5. To recognize the right of young workers and apprentices to a fair wage or other appropriate allowances;
6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;
8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
10. To provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control.

Appendix to Article 7§2

This provision does not prevent Parties from providing in their legislation that young persons not having reached the minimum age laid down may perform work in so far as it is absolutely necessary for their vocational training where such work is carried out in accordance with conditions prescribed by the competent authority and measures are taken to protect the health and safety of these young persons.

Appendix to Article 7§8

It is understood that a Party may give the undertaking required in this paragraph if it fulfils the spirit of the undertaking by providing by law that the great majority of persons under eighteen years of age shall not be employed in night work.

Information to be submitted

Article 7§1

GoG response

Pursuant to the Labour Code of Georgia minimum age for admission of employment shall be 16 years. Accordingly, minimum age for admission of employment is not less than 15 years.

According to the Article 4 of the Labour Code the labour agreement can be concluded with the minor under 16 only by consent of their legal representative or a custody/guardianship authority unless the labour relations contradicts minors' interests, prejudice their moral, physical and mental development, and limit their right and opportunity to acquire compulsory primary and basic education. The labour agreement can be concluded with the 14-year-old under-age person only for fulfilling light work, namely: sport, art, and culture, as well as for performing certain advertising work. Concluding labour agreements with minors, involving them to perform hard, harmful, or hazardous work shall be prohibited.

A labour agreement with minors under 14 may be concluded solely in connection with the activities in sport, art, and culture, as well as for performing certain advertising work.

The provisions connected to the minimum age of admission to employment are fully implemented in practice as the labour agreement which is not in conformity with the Labour legislation cannot be considered as valid/legitimate. In regard with the effective protection of the rights guaranteed by Article 7 (1), a number of activities are being carried out by the government, including the preparation undertakings for establishment of the state monitoring agency on labour conditions and labour rights issues. The supervision on fulfillment of the terms and conditions of the labour rights will be one of the functions of the agency.

The preparation work is underway for the creation of the above mentioned institution with the direct participation of the experts from the International Labour Organization, who provide the technical support to the Ministry of Labour, Health and Social Affairs of Georgia in the frameworks of the Project – Improve Compliance with Labour Laws in Georgia, with the financial support of USA Department of Labour. According to the mentioned, Ministry of Labour, Health and Social Affairs of Georgia has already prepared a draft bill on State Labour Inspection ,draft law on Health and Safety at Work and the draft of the State Programme of Monitoring the Labour Conditions, which is to be implemented in the current year.

The State Programme of Monitoring the Labour Conditions, as well as all other draft laws, was developed with the direct involvement of the social partners. Through the implementation of the Programme the real situation in the direction of labour rights and labour conditions of those, employed in the labour market will be analysed and assessed, which will serve as a guide of the measures, to be taken in the future. According to the mentioned programme, the government will obtain a data concerning the labour rights protection in the verified enterprises and organisations.

Article 7§2

GoG response

Pursuant to the Labour Code concluding the labour agreement with minors involving them in reforming works related to gambling, nightclubs preparation, transportation, and sales of erotic and pornographic products, as well as pharmaceutical and toxic substances is prohibited. The Civil Code of Georgia states that a minor is a person under the age of 18 years. Thus, according to the labour legislation the minimum age of admission to employment is 18 years with respect to prescribed occupations regarded as dangerous or unhealthy. The Labour Code of Georgia develops that concluding labour agreements with minors, involving them to perform hard, harmful, or hazardous work shall be prohibited. There is no exception from this prohibition considered by the Labour Law.

The Ministry of Labour, Health and Social Affairs is working on the drafting the law on Health and Safety at Work (See the response of Article 7&1), which will contain the definition of the hazardous work and types of

risks which may arise in the course of work. The Order No. 147/N 3 May 2007 of the Minister of Labour, Health and Social Affairs mentioned in the last report was updated three times. The new chapters of the Emergency Occupations (Firefighter Rescue), the Occupations in Metro and the National Archives were added to the designated order.

Article 7§3

GoG response

The Article 4 of the Labour Code of Georgia stipulates that Legal capacity of minors under 16 to enter into a labour agreement shall originate by consent of their legal representative or a custody/guardianship authority unless the labour relations contradicts minors’ interests, prejudice their moral, physical and mental development, and limit their right and opportunity to acquire compulsory primary and basic education.

As it was mentioned above, according to the Article 4 of Labour Code of Georgia, the labour agreement can be concluded with the 14-year-old under-age person only for fulfilling light work, namely: sport, art, and culture, as well as for performing certain advertising work.

It should be emphasized, that Labour agreement can be concluded with the 14-year-old under-age person for fulfilling light work only with permission of a legitimate representative of minor.

Other forms of under-age persons’ labour are considered unlawful and are a subject of legal liability. According to the Labour Code, it is prohibited to conclude the labour agreement with the under-age person gambling, nightclubs, preparation, transportation, and sales of erotic and pornographic products, as well as pharmaceutical and toxic substances.

Besides in 2013, Georgia made a moderate advancement in efforts to eliminate the worst forms of child labour. The Government participated in two projects to address child labour; the first includes original data collection and analysis on child labour, and the second focuses on improving the Government’s ability to enforce labour laws and adhere to international labour standards, including those related to child labour. The Government also formed the Inter-Ministerial Coordination Council on Childcare to oversee the implementation of the 2012–2015 Child Action Plan, which aims to serve vulnerable children, including those living and working on the street.

Georgia has ratified the following Conventions:

- ✓ ILO C. 138, Minimum Age;
- ✓ ILO C. 182, Worst Forms of Child Labour;
- ✓ UN CRC;
- ✓ UN CRC Optional Protocol on Armed Conflict;
- ✓ UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography;
- ✓ Palermo Protocol on Trafficking in Persons.

The Government has established relevant laws and regulations related to child labour:

Minimum Age for Work	16	Article 4 of the Labour Code of Georgia
Minimum Age for Hazardous Work	18	Article 4 of the Labour Code of Georgia
List of Hazardous Occupations Prohibited for Children		Order No. 147/N, 3 May 2007 of the Minister of Labour, Health and Social Affairs of Georgia “On Approving the List of Heavy, Harmful and Hazardous Work”
Prohibition of Forced Labour		Article 30 of the Constitution of Georgia
Prohibition of Child Trafficking		Articles 143 and 172 of the Criminal Code of Georgia; The Law of Georgia on Combating Human Trafficking

Prohibition of Commercial Sexual Exploitation of Children		Article 171 of the Criminal Code of Georgia
Prohibition of Using Children in Illicit Activities		Article 172 of the Criminal Code of Georgia
Minimum Age for Compulsory Military Recruitment	18	Articles 9 and 21 of the Law of Georgia on Military Duty and Military Service
Compulsory Education Age	15	The Law on General Education

Agencies Responsible for child protection law enforcement:	
Organization/Agency	Role
Ministry of Labour, Health and Social Affairs (MoLHSA)	Oversee child welfare issues and address labour matters. Through the Child Protection and Social Programs sub-department, receive and forward complaints of child labour violations to law enforcement agencies for investigation and prosecution.
The Department of Labour and Employment within MoLHSA	Address labour and employment issues, and revise existing laws and policies to be in accordance with international standards.
LEPL Social Service Agency (SSA) within MoLHSA	Administer social benefits such as targeted social assistance, health care, and vouchers for day care. Employ social service agents, who identify qualifying families for services and social workers, who oversee child protection and family welfare cases.
Ministry of Internal Affairs (MoIA)	Investigate child labour cases, including NGO and civilian reports of potential child labour violations. Enforce criminal laws related to child labour and child trafficking.
Ministry of Justice (MOJ)	Enforce criminal laws related to child labour and child trafficking.
MoIA's Special Operations Department	Lead criminal investigations of trafficking in persons, including the trafficking of children, and turn actionable cases over to MOJ for prosecution.
The Prosecutor's Office	Investigate large-scale cases of child trafficking.
Police and district inspectors	Maintain contact with district inhabitants to obtain information on the children vulnerable to crime and abuse and to take protective measures.
Joint Child Referral Mechanism	Ensure interagency coordination of the enforcement of child labour laws and enumerate the procedures for referring children subject to any form of violence—including labour exploitation—to child protective services. Comprised of the Minister of Labour, Health, and Social Affairs; the Minister of Internal Affairs; and the Minister of Education and Science.

Article 754

GoG Response

It should be emphasized, that the Labour Code sets restrictions on the volume of working hours of minors: Article 18 prohibits hiring minors for night work and restricts the work during 10 pm to 6 am. Accordingly, the number of hours during which such employment or work may be undertaken by young person is from 6 am. to 10 pm. Moreover, according the amendments of the Labour Code of Georgia in 2013,

The following paragraphs were added to it:

- ✓ The duration of working time for minors from 16 to 18 years of age must be a maximum of 36 hours a week.

- ✓ The duration of working time for minors from 14 to 16 years of age must be a maximum of 24 hours a week.

Article 7&5

GoG Response

Remuneration for apprenticeship is equal to monthly salary of the employed on the same position. In private sector minimum wage according to the President Order № 351 is 20 GEL and in the public sector pursuant to the President Order № 43 is 135 GEL, although in practice the minimum wages are much higher. According to the Labour Code of Georgia, the amount of wages is subject of agreements between employees and employers. In the cases of violation of their rights everyone have the right to apply to the court. The Labour Code of Georgia regulates the forms of payment of salaries. According to the article 31 of Labour code a labour agreement shall determine the form and amount of remuneration. The norms of this article shall apply unless otherwise provided for by a labour agreement. Remuneration shall be paid out once a month and an employer shall be obliged to pay an employee 0.07 per cent of the delayed sum for each day of any delayed compensation or payment.

Average monthly nominal salary of employees, 2000-2013:

	72.3	GEL
2001	94.6	GEL
2002	113.5	GEL
2003	125.9	GEL
2004	156.6	GEL
2005	204.2	GEL
2006	277.9	GEL
2007	368.1	GEL
2008	534.9	GEL
2009	556.8	GEL
2010	597.6	GEL
2011	636.0	GEL
2012	712.5	GEL
2013	773.1	GEL

Average monthly nominal salary of employees by economic activity, 2005-2013:

	2005	2006*	2007	2008	2009	2010	2011	2012	2013
Total	204.2	277.9	368.1	534.9	556.8	597.6	636.0	712.5	773.1
Agriculture, hunting and forestry	128.9	148.1	184.9	299.3	264.0	279.2	392.6	424.6	495.0
Fishing	93.0	94.4	168.8	211.1	257.2	341.4	271.1	388.9	587.1
Mining and quarrying	210.8	352.3	657.7	808.9	677.7	812.3	838.6	874.5	893.1
Manufacturing	212.1	260.5	357.7	510.5	447.9	510.6	552.2	623.0	683.0
Production and distribution of electricity, gas and water	341.5	398.2	533.8	738.3	766.8	822.9	877.0	919.9	967.6

Construction	296.4	391.0	494.5	597.3	626.1	671.0	738.5	890.8	868.2
Wholesale and retail trade; repair of motor vehicles and personal and household goods	173.6	246.4	355.5	510.6	517.7	583.6	548.9	650.0	692.5
Hotels and restaurants	108.2	196.5	238.4	333.6	364.7	377.5	342.4	397.5	437.1
Transport and communication	265.7	391.3	492.3	667.7	729.3	787.6	873.8	943.4	1058.6
Financial intermediation	1049.2	779.0	1014.5	1343.5	1319.0	1276.7	1386.3	1402.3	1505.8
Real estate, renting and business activities	210.8	284.2	405.8	540.1	640.3	596.5	674.3	843.5	848.2
Public administration	342.4	448.0	585.4	869.5	888.8	973.0	998.8	1031.2	1152.1
Education	92.5	122.1	153.0	243.7	269.3	305.1	319.6	355.1	422.9
Health and social work	99.5	143.3	206.4	305.8	366.7	446.8	522.9	599.5	667.9
Other community, social and personal service activities	113.4	175.6	260.6	408.7	411.1	460.1	511.5	602.1	680.8

Source: http://geostat.ge/index.php?action=page&p_id=149&lang=eng

Article 7&6

GoG Response

Pursuant to the Georgian Labour Code the vocational training, professional retraining, or education not to exceed 30 calendar days annually is the ground for suspension of labour relation but not for the termination of that. According to the Law of Georgia on Public Service, the study leaves for up to three months may be granted to civil servants once in five years for upgrading qualifications. Salary shall be maintained for public employees during their study leaves.

Therefore in practice the vocational training during the normal working hours with the consent of the employer is treated as forming part of the working day.

Article 7&7

GoG Response

Georgian Labour legislation provides for an employee the right of paid leave – at least 24 working days annually, and unpaid leave - at least 15 calendar days annually. By agreement of the parties, a leave of absence may be used in parts. The Labour Code also provides for the obligation of the employee to notify the employer at least two weeks earlier of taking the leave, except when notification is impossible due to urgent medical or family circumstances.

According to Article 26¹ of the Labour code an employee working under harsh, harmful, or hazardous labour conditions shall be granted an extra paid leave of absence of 10 calendar days annually (№ 729 amendment of June 12, 2013). The list of hard, harmful or hazardous work is determined by the order of the Minister of Labour, Health and Social Affairs of Georgia (№147/N of 2007).

According to the Labour Code of Georgia, performance of the work by the employee during the holidays shall be deemed as the overtime work and must be reimbursed due to the rule of compensation for overtime work (amendment N 729 of June 12, 2013).

Article 7&8

GoG Response

The Labour Code sets restrictions on the volume of working hours of minors: Article 18 prohibits hiring minors for night work and restricts the work during 10 pm to 6 am. Accordingly, the number of hours during which such employment or work may be undertaken by young person is from 6 am to 10 pm. It shall be impermissible to employ a minor, a pregnant woman, a woman in a postnatal period, a breastfeeding woman or a person with limited capabilities, on a night work, as well as baby-sitter who takes care of a child under age of three and/or a person with limited capabilities can be employed on a night job only with consent of this person.

From 2006 there is no monitoring institute of labour rights and labour conditions in Georgia, which would monitor the situation in practice, record and specify the penalties. At this stage, the government is actively engaged in the creation of the abovementioned institute, in order to ensure the perfect execution of the provisions of Labour Code in the country. The information is given in details in the abovementioned answers (See Article 7&1 GoG Response).

Article 7&9

GoG Response

According to requirement of Georgian Labour Code (Article 54), Ministry of Labour, Health and Social Affairs approved in 2007 (Ministerial Order # 215) cases and rules of periodical mandatory medical checkups of employees at the expense of the employer. The order specifies types of workers, which must be provided regular medical examinations. According to the Georgian legislation the medical checkup is carried out an employee is assigned to night work or hard, hazardous and harmful work. It should be emphasized, that according to the Georgian legislation, the employer is obliged to fully remunerate to the employee any expenses due to damage caused by deterioration of health because of fulfilling the work and for treatment.

Article 7&10

GoG Response

Pursuant to the Labour Code, labour activity of the minor emerges with the agreement of a legitimate representative or the body of the trustee if labour relations do not conflict with the interest of the minor, harm his/her moral, physical and mental development and do not limit his/her rights and ability to get education.

As it was mentioned above, it is inadmissible to employ an underage, a pregnant woman, a nursing mother or a woman in the post-natal period and a disabled person during night hours (from 22.00 pm to 6.00 am).

The Georgian labour legislation envisages the right to safe and healthy working environment, including:

- Obligation of the employer to provide the employee with the safe working environment necessary for life and health.
- Obligation of the employer to timely provide the employee with full, objective, timely and clear information at his/her disposal on all those factors which affect the life and health of the employee or security of the natural environment.
- The right of the employee to refuse doing the work, task or instructions that contradict the law or due to not-compliance with labor security conditions creates vivid and substantial hazard to the life, health, property or natural environment of him/her or the third party.
- Obligation of the employer to implement the labour security provision preventive system and timely inform the employee on hazards related to labor security and its preventive measures along with

rules of exploiting hazardous equipment. In case of necessity s/he is obliged to provide the employee with personal protective equipment, timely replace hazardous equipment with safer or less dangerous along with the technological progress and take any other reasonable measures in order to provide security and protect health of the employee.

- Obligation of the employer to take any reasonable measures for timely localization or Elimination of consequences of the industrial accident, providing first aid and evacuation.
- Obligation of the employer to fully remunerate to the employee any expenses due to damage caused by deterioration of health because of fulfilling the work and for treatment.

The Government of Georgia has implemented several activities and achieved certain progress in the field of occupational health and safety. Namely:

- ❖ In 2009, the Georgian law “On Control of Technical Hazards” was adopted by the Parliament of Georgia. The approach to the “technical hazard” existing in the former USSR is replaced with the new approach introduced by this law. The law set the private inspection and the necessary procedures for its implementations. Besides, the law clearly defined the term of “Technical Regulation”. According to this law the technical regulations, for its part, will provide the rules about safety and health protection of workers.
- ❖ Decree of Government of Georgia “On Organization and implementation of State Supervision on Technical Safety” - N 243, (8.11.2007)
- ❖ Decree of Government of Georgia “On Safety Rules for Explosive Activities” – N 95,(05.16.2006)
- ❖ The Order of Minister of Economic Development of Georgia “On Safety Rules for Gasoline Station and Gasoline Complexes” - N 1-1/2935, (8.12.2008)
- ❖ Decree of Government of Georgia “On Safety Rules Related to Dangerous Manufacturing Entities (where open mining activities are carried out)” – N 53,(10,03,2010)
- ❖ The Order of the Minister of Economic Development of Georgia “On Safety Rules of Copper Mine” – N 1-1/560, (17,03, 2009)
- ❖ The Order of the Minister of the Economic development of Georgia “On General Requirements for Gas System Safety” – N 1-1/525, (14,04, 2010)
- ❖ The Order of the Minister of Economic Development of Georgia “On Safety Rules of Ferro -alloy Manufacturing” – N 1-1/58, (16,01, 2009)
- ❖ The Order of the Minister of Economic Development of Georgia “On Safety Rules of Oil Bases” – N 1-1/2287, (7,10, 2009)

Georgian legislation determines punishable acts that are committed against minors on different bases:

Criminal Code of Georgia:

Article 140. Sexual intercourse or other type of sexual act to person under age of sixteen.

Sexual intercourse, sodomy, lesbianism or other type of sexual contact in a deviated form for guilty knowingly with person under age of sixteen, - Is punished by seven to nine years of imprisonment.

Article 141. Perverted act

Perverted act without violence for guilty, knowingly with person under age of sixteen - is punished by five to seven years of imprisonment.

As regards possession of child pornography, it's a criminal offence, according to Georgian legislation. The second paragraph of article 255 of the Criminal Code of Georgia:

“2. Illicit procuring, keeping, attending at the performance, offering, distributing, transmitting, promoting or ensuring the other kind of availability to a pornographic piece, containing the image of a minor, at the previous knowledge of the perpetrator, as well as using such pornographic piece, shall be punishable by fine or by corrective labor for up to a two-year term or by imprisonment for up to three years.

3. Production or selling of pornographic work knowing in advance that it contains minor’s image – is punished by fine or imprisonment from three to five years.”

Note:

1. Pornographic work containing minor image is visual or audiovisual material prepared by using any methods, or staged performance, where by use of different means minor or minor image participates in real, simulation or computer created sexual scenes or minor’s genitalia are shown to satisfy consumer’s sexual needs. The work that has medical, educational or art value will not be considered as pornographic.

2. For doing acts determined by this article juridical person is punished by fine, by deprivation right to work or by liquidation and fine.

Article 255¹. Involvement of minor in illegal production and selling of pornographic work or other type of pornographic material.

Involvement of minor in illegal production of pornographic work or other type of pornographic material, in dissemination of such material, advertisement, trade or getting benefit from this action, - Is punished by imprisonment from two to five years.

Note: For doing acts determined by this article juridical person is punished by fine, by deprivation right to work or by liquidation and fine.

Article 255². Offering date to person under age of sixteen for sexual purposes

Using informational and communication means by adult, knowing in advance that person is under age of sixteen, to offer a date for the sake of committing crime defined by 140th article or/and 3rd part of 255th article of this code, when offering was followed by the actions to date, - Is punished by restriction of freedom up to three years or by imprisonment from one to three years.

Besides, Georgian legislation, criminalizes child pornography and child prostitution³, protects minors up to the age of 18 years.

With regard to child victims’ liability, according to Article 15 of the law of Georgia on “Combating Trafficking”:

1. (Statutory) victims of human trafficking shall be discharged from liability for committing actions under Article 344 (Illegal Crossing of State Borders of Georgia) and Article 362 (Preparation or Using of Forged Document, Seal, Stamp or Blank) of the Criminal Code of Georgia and Article 172³ (Prostitution) and Article 185 (Residence without Observing the Established Rule of Registration of Georgian Citizens and Aliens Residing in Georgia) of the Code of Administrative Offences of Georgia. Nor shall they be held liable for participating in illegal acts, if they had to behave so because of being (statutory) victims of human trafficking.

2. Provisions of the first paragraph of this article shall apply to offences committed by persons because of being (statutory) victims of human trafficking before they were granted the status of (statutory) victims of human trafficking.

The product types prohibited by the electronic communications are determined according to the Regulation “about the delivery of service in the sphere of Electronic Communications and the rights of users” approved by Decree N 3 of 2006, March 17th of the Georgian Communication National Commission.

According to the abovementioned Decree:

h)² Prohibited products - pornography transferred by using electronic communications, other production reflecting disgust and grave forms of violence, private life abusive, defamatory, insulting, violating presumption of innocence, inaccurate, other products transferred by violating Georgian Legislation and copyright infringement;”

Moreover, according to the same Regulation Article 10¹ paragraph 4 it is determined, that:

“4. The internet service provider will develop the mechanisms, which will allow to cancel or disconnect the user, if revealed or became known, that he/she implements the distribution / redirection of the unwanted electronic mails, prohibited products, computer viruses, fraudulent or / and other malicious applications.”

According to the Article 10²:

“Internet web-page owner:

- a) Places the information at its own web-page or in the form of a link to protect the users from the different computer viruses, fraudulent applications or other malicious production;
- b) Provide users with information about the applications for blocking the viruses or / and other ways, using which the users will avoid the computer damage / infection or no legal invasion into its memory;
- c) Checks the link placed at its own web-page, in order that the web-page refined by the link does not include offensive or other prohibited products. If applicable, takes appropriate measures for its elimination;”

Also, according to the Article 10³:

1. The web-page domain shall not be confusing, shall not serve for other web-page cover and shall be in accordance of its content.
2. The provider of the internet-domain periodically shall check the content of the web-pages registered by him/her in order to avoid the placement of the prohibited products at the web-page. In this case the domain-provider shall immediately take an appropriate measure for its elimination:
 - a) Warn the domain holder (owner) and establish a term for prohibited products elimination;
 - b) In case of warning neglect to block the web-page.”

In order to protect rights of the users and legal interest, Article 25 of the Regulation defines, by that:

- “4. Service provider is obliged to react on information received regarding the prohibited products placement and take appropriate measures for its elimination;
5. On the basis of the message received from the user the service-provider reacts and takes appropriate all possible measures in order not to allow prohibited products message transmission by its network.”

In November 2012, within the framework of Council of Europe Convention on Cybercrime, a Specialized Cybercrime Unit was established within the Central Criminal Police Department of the Ministry of Internal Affairs of Georgia. This Unit is the main body that carries out prevention, detection, suppression and investigation of online child pornographic crimes. Since its establishment, Specialized Cybercrime Unit successfully managed to block one offender from global access to a certain Georgian website that was used for uploading videos containing child pornographic images.

The Government of Georgia considers, that the lengthy and complex nature of Mutual Legal Assistance procedures represents a major challenge to combating child online sexual abuse since it hinders the timely sharing of key investigative information in certain circumstances on international level. In the process of enhancing international cooperation against online child pornography, the Specialized Cybercrime Unit also operates as the 24/7 international contact point, as required by the 2001 Council of Europe Convention on Cybercrime Nowadays. Through this Unit, it is possible to send and receive police cooperation requests about online child pornography offences without going through the Mutual Legal Assistance procedures.

In December of 2012 the Government of Georgia signed the declaration on Global Alliance against child sexual abuse online, initiated by EU and supported by the USA State Department of Justice. As a result of Alliance members’ cooperation, one case of child pornography has been revealed and investigated by the law enforcements agencies of Georgia, Israel and US Federal Bureau of Investigation (FBI) in 2013.

In April 2012, pursuant to the recommendation of the Group of Experts on Action against Trafficking in Human Beings (GRETA)¹ the Government of Georgia amended the 2006 Law on Combating Trafficking (LCT) and added a new chapter on child victims of trafficking in human beings, including individual risk assessment on the basis of the child’s best interests. Within the current set up of the Inter-agency council to combat trafficking in persons system in Georgia, children who are victims of trafficking but also children accompanying their parents who have been trafficked have entitlements and when the need arises, receive appropriate accommodation, and age specific education and support programs tailored to the needs of the child. With this amendment Georgian legislation fully regulates issues regarding children in trafficking in line with international standards.

Besides the LCT, the CCG criminalizes the trafficking in human beings. Article 143¹ of the CCG prohibits selling or buying a person or carrying out any other form of illegal transactions, as well as enticing, transferring, harboring or receiving a person by means of coercion, blackmail or deception, by using vulnerable situation or abusing of power, with the purpose of exploitation. In addition, Article 143² of the CCG prohibits trafficking against minors - selling or buying of a minor or carrying out any illegal agreement transaction, hide, hire, transportation, harboring or receive with the purpose of exploitation. Sanction for

¹GRETA report, paras.17 & 221.

this crime is deprivation of liberty from 8 to 12 years. If trafficking in minors is committed in aggravating circumstances, sanctions increases up to 17 years. If the act caused the death of minor, the perpetrator will be punished by deprivation of liberty from 17 to 20 years or life imprisonment.²

Government of Georgia started to revise current Criminal THB legislation to correspond to the modern forms of trafficking in persons. In this regard number of activities were implemented:

a) In April 2013 Working Group was established under the THB Council to revise the respective Article of Criminal Code of Georgia and improve identified gaps. The Working Group was composed of the representatives from governmental and non-governmental agencies, representatives of International organizations and the US Embassy in Georgia. WG drafted the amendment of note of Article 143¹ of CCG in order to respond to the up to date challenges of trafficking in persons. The note defines the term of exploitation. After entry into force the amendments, the CCG will be more unambiguous in the light of THB and its application will be considerably easier for investigatory as well as judicial bodies. The draft of the Law reflects the recommendation of US Government regarding the non-physical forms of coercion. Interagency meetings of the WG were held. In addition, the consultative meetings were held with the professors of Criminal Law to discuss the issues related to THB Article and legislative gaps.

In the end of 2013 the final draft of the CCG amendments was sent for the international expertise in UNODC and IOM head office.

b) Furthermore, in April 2013 another Working Group was established under the THB Council to discuss finished THB cases in order to reveal new trends of the crime. Prosecutors, judges, representatives of Ministry of Internal Affairs, Supreme Court and Secretariat of THB Council participated in WG process. The WG analyzed the finished and terminated THB cases on both sexual exploitation and forced labor.

With the assistance of International Organization on Migration, in May and July 2013, an invited international expert and local trainers conducted trainings for police officers on “evidence gathering on TIP cases”. The agenda envisaged teaching of specific skills on cooperation with juveniles. 37 Specialized police officers attended the trainings.

In April 2012 the Government of Georgia (Order N762) adopted National Action Plan 2012-2015 for Child Welfare and Protection and established Inter-agency Coordinating Council for its implementation. The Council among other issues also deals with street children. Ministry of Labor, Health and Social Affairs of Georgia in close cooperation with UNICEF and EU conducts project “street children”. Within the mentioned project Working Groups as well as the task forces are created on particular issues related to street children, like the child identification, registration, etc.

From 2010, the project for children living and/or working in the streets is implemented. The project is supported by United Nations Children’s Fund (UNICEF), European Union.

Within the project, from 2013 up to today 3 mobile groups, three day-time centers, 2 crisis intervention shelter and 2 transit centers were launched. For the services, under the control of mentioned organization,

²Article 143², Criminal Code of Georgia(1999).

personnel were selected through competition and afterwards, they were trained in the issues determined by training package agreed with Ministry of Labour, Health and Social Affairs of Georgia.

Training programme and curriculum has been developed and the following professionals have been trained:

- Mobile team members (15);
- Administrative and care staff of the day-care/crisis intervention and transition centers (around 150 persons);
- Policemen in Tbilisi (100); planned training of policemen in Kutaisi (around 50).

For effective implementation of arrangements determined by “2012-2015 Action Plan on Children Welfare and Protection” there was created interdepartmental coordination council. Its members are representatives of different government and non-government bodies. Council contributed to coordinated work of all departments concerning problems of children living and working in the streets. Within the project working groups, which are carrying out their policy towards different (Working groups on documentation issues, medical needs, education and etc.) direction to tackle the discussed problem, are created.

From 2014 Ministry of Labour, Health and Social Affairs of Georgia provides financing for the program. The program aims the developing of system to contribute integration of children living and working in the streets in society, establishing service network for their psycho-social rehabilitation, which will makes possible children’s and their families gradual involvement in united system of social protection.

The services include:

- 1) 3 mobile groups – working in a field for the purpose of gaining children’s confidence and establishing primary contact with them; informing them about services implemented by the project;
- 2) 3 day care centers – each for 30 places;
- 3) two 24-hour crisis intervention shelters – each for 10 places;
- 4) 2 transit centers – each for 20-place 24-hour service, where children are prepared to move into long-term care.

Spreading the piloting area is planned in 2015.

- **Mobile teams** consist of social worker, psychologist, peer educator and administrative worker/driver. The team establishes first contact with children on the streets, satisfy their immediate/emergency needs and work with children to direct them towards the day-care/crisis intervention centers
- **Day-care/crisis intervention centers** are open-type services that provide children living and/or working on the street with the opportunity to satisfy basic needs (food, hygiene, other) and offer psychological rehabilitation. Life skills development and informal education programmes aiming at rehabilitation and reintegration of the children; the centers also offer overnight shelter to those children who are left without any housing.
- **Transitional centers** are 24-hour care services for maximum duration of 1 year that offer individualized approach and intensive developmental opportunities to children living and working on the streets and prepare them for longer-term placements in foster care or small group homes. In certain cases, when a biological family can provide safe environment to the child, reintegration process is highly supported.

Number of children being served:

- Total number of children reached in Tbilisi – 350;
- Children served at day-care/crisis intervention centers – 60;
- Children served at transition centers – 20;
- Emergency foster placements - 7 beneficiaries.

The working group on documentation issues actively works to bring legislative changes regarding legal status and issue of documentation regulation. This implies, giving temporary status-confirming document to children who are living and working in the streets and don't have identification document. This will allow them to have access to services in Georgia.

The initiative is closely coordinated with the Ministry of Education and Science of Georgia in developing the "Second Chance Education Programme" for children who never attended school or dropped out of school. The program, imbedded in the day-care centers and school education will allow children living and working on the streets to go to school and catch up with the learning process.

Article 8 – Right of employed women to protection of maternity

Parties undertake:

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;
2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;
3. To provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;
4. To regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;
5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining, and all other work which is unsuitable by reason of its dangerous, unhealthy, or arduous nature and to take appropriate measures to protect the employment rights of these women.

Appendix to 8§2

This provision shall not be interpreted as laying down an absolute prohibition. Exceptions could be made, for instance, in the following cases:

- a. if an employed woman has been guilty of misconduct which justifies breaking off the employment relationship;
- b. if the undertaking concerned ceases to operate;
- c. if the period prescribed in the employment contract has expired.

Information to be submitted

Article 8&3

GoG Response

Georgian Labour Code and the Law on Public Service provides regulations for maternity and child care leaves of absence, as well as leaves of absence for adopting newborn. On September 27, 2013, amendments were made to the Labour Code, which resulted in increase of the duration of leave due to pregnancy, childbirth and child care from 477 calendar days to 730 calendar days, where 183 calendar days are payable instead of 126 calendar days. As for the number of leave days due to child adoption 365 calendar days increased to 550 calendar days, and 70 payable days increased to 90 payable days (amendment N 1393 of September 27, 2013). The mentioned amendments were also made to the decree №231/N of September 25, 2006 of the Minister of Labour, Health and Social Affairs of Georgia “On Approval of the procedure for payment of maternity, child care, and newborn adoption leaves of absence” (decree №01-44/N, September 11, 2013).

The amount of the maternity allowance has also increased, which is 1000 GEL instead of 600 GEL and is reimbursed from the state budget of Georgia, besides, the employer and the employee may agree on additional compensation.

In addition to the abovementioned leaves, the employer also has the right to take extra child care leaves of absence for at least 2 weeks per year, for 12 weeks, until the child turns 5 years old. The mentioned leave for child care may be granted to any person who actually takes care of the child.

Georgian Labour Code prohibits:

- Concluding labour agreement with pregnant or nursing woman for performance of hard, hazardous and dangerous work;
- Employment of pregnant or nursing woman for night work (22 pm to 6 am);
- Employment of pregnant or nursing woman for overtime work without her consent;
- Employment of woman, who takes care of a child less than 3 years-old for night work without her consent.

The employer is also obliged to ensure the protection of pregnant women from work that threatens her or fetal well-being, physical and mental health.

According to the Labour Code is not allowed to terminate the contract of employment of women employed by the employer from the moment of notification of the employer of the pregnancy, due to pregnancy, childbirth and child care, also during the period of leave due to adoption of a child and additional leave due to child care, except in the following cases:

- Expiration of the labor contract;
- Performance of the work, stipulated by the employment contract;
- Leaving the work/position by the employee voluntarily on the basis of a written application;
- Written agreement of the parties;
- Gross violation of obligations assigned to the employee under individual labor agreement or collective agreement and/or labor routine;
- Entering into force of the court judgment or decision, which eliminates the possibility of performance of work;
- Death of the employer physical person or the employee;

The Labour Code stipulates that the employed nursing mother who feeds the infant below one year should be given additional break on the basis of her request, which should not be less than an hour. Break for

feeding the child is included in working hours and is therefore remunerated. It should be emphasized, that Pursuant to the Labour Code, it is prohibited hiring of pregnant or breast-feeding woman for night work and restricts the night work during 10 pm to 6 am. Accordingly, the number of hours during which such employment or work may be undertaken by pregnant or breast-feeding woman is from 6am to 10 pm. Therefore, Georgian labour legislation provides that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose.

The article 40 (work time and rest time) of the Georgian Law on Public service states that the rest time of a public employee shall be determined under the labour legislation of Georgia. Consequently the additional break for the nursing mother considered by the Labour Law also applies to women employed in the public sector.

Article 8&4

GoG Response

As it was mentioned above, pursuant to the Labour Code, it is prohibited hiring of pregnant or breast-feeding woman for night work and restricts the night work during 10 pm to 6 am. Accordingly, the number of hours during which such employment or work may be undertaken by pregnant or breast-feeding woman is from 6 am to 10 pm. Similarly, it is inadmissible to employ a person taking care of a child under -3 years – age without the consent of this person. Accordingly, Georgian labour legislation regulates the employment in night work of pregnant women, women who have recently given birth and women nursing their infants. According the article 14 of the Georgian Law on Public service the labour legislation of Georgia shall apply to officials and support staff subject to the peculiarities set out in this Law. Relations that are related to public service and are not regulated under this Law shall be governed by appropriate legislation. Therefore the abovementioned restriction applies to women employed in the public sector.

Article 8&5

GoG Response

According to the Labour Code, it is prohibited to conclude the labor agreement on heavy, hard or hazardous activities with a pregnant or breast-feeding woman. Accordingly, Georgian labour legislation prohibits the employment of pregnant women, women who have recently given birth or who are nursing their infants in heavy, hard or hazardous work.

According the article 14 of the Georgian Law on Public service the labour legislation of Georgia shall apply to officials and support staff subject to the peculiarities set out in this Law. Relations that are related to public service and are not regulated under this Law shall be governed by appropriate legislation. Therefore the abovementioned restriction applies to women employed in the public sector.

The detailed provisions regarding the protection against all known hazards the health and safety of women is considered in the draft law on Health and Safety at work.

Article 17 – The right of children and young persons to appropriate social, legal and economic protection

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1. a. to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;
 - b. to protect children and young persons against negligence, violence or exploitation;
 - c. to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;
2. To provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

Information to be submitted

Article 17§1

GoG Response

During the reporting period, important amendments have been made and carried out in the legal acts, regulating children welfare sphere, resulting in the development and enforcement of the efficient mechanisms for operation of the unified system of social protection.

The Civil Code of Georgia defines the parental responsibilities, which includes their obligations to care, support, upbringing, development, legal representation, protection of rights and interests and communicate with the third parties. The code also defines the legal bases for restriction of the parental rights and responsibilities, suspension and seizure of these rights. The code defines as well minor's right to appeal to the competent authorities (independently apply to the bodies of guardianship and custody and to the central bodies in the cases, provided by the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children and from the age 14 to the law court.) for the appropriate response if the legal representative avoids or abuses the right. The obligation of reporting the violation of child rights is defined for all legal persons and individuals, for whom the violation of the rights and legitimate interests of a minor have been known.

For the legal regulation of alternative family type services in the country, the issues of children deprived of parental care, who are permanently or temporarily left in state care, are defined by the Law of Georgia on Adoption and Foster Care, also the subordinate legislative acts on "approval of the procedures and forms for foster care" and on "approval of procedures and forms for adoption". The mentioned acts define categories of children, who might be placed in foster families, the basis and the procedure of placement of a child in a

foster family and granting the status of a foster child, the rights and responsibilities of the competent bodies, responsible on adoption and foster care proceedings.

The law of Georgia on Social Assistance defines the types of the social assistance (subsistence allowance, reintegration allowance, reimbursement of foster care, family care compensation for adult, non-monetary social assistance, social package). This law also defines individuals under the age 18 with special care needs, including orphans and children deprived from parental care, children with disabilities and children with lost breadwinner.

Specialized institutions (Educational institution (orphanage, small group homes, crisis intervention shelter, transit center, shelter for mothers and children, day care center), which provide services for vulnerable children and children living and/or working in streets, are determined by “The terms and conditions for placement and withdrawal of a person in specialized institution”, approved by the Order of the Minister of Labour, Health and Social Affairs of Georgia. The same order defines the category of children, which is believed to be deprived of parental care and homeless.

(Deprived of parental care – person under 18 years:

- a. Whose parent (parents) has (have) been deemed legally incapable, recognized as missing or declared deceased by court;
- b. Person who is an orphan;
- c. Person whose parent(s) has (have) been deprived of the parental right, this right has been suspended or restrict;
- d. Person who has been recognized as an abandoned child;
- e. His/her staying with a parent (parents) or custodian/guardian is harmful for the child for some reasons.

Homeless children - is a person under 18, living and/or working on street, who is identified as such by the senior social worker, having an appropriate authority, on the basis of the seeker’s application.

Social assistance determined by the Law of Georgia on Social Assistance reintegration allowance (monetary social allowance, which is given to the biological family, guardian (custodian) of a child, living in the specialized institution, who will take this child from the specialized institution to live in a family environment and provides appropriate care) is given to the families with the children, having the special care needs and reimbursement of foster care (monetary social allowance, which is given to foster mother and foster father for the care and upbringing of the foster child) and the amount of social package (monthly monetary benefit or/and the unity of benefits (monetary and non-monetary) on the basis of the determining the status of a person with disabilities and breadwinner’s death), also, non-monetary assistance for prevention (a unity of activities, aiming the protection of the preferential right of the child to grow up in a family environment and avoiding their recognition as deprived of the parental care).

In addition to the abovementioned, in order to support the families registered in the unified data base of the vulnerable families, subsistence allowance as a form of a social support, is issued for families. The amounts of the abovementioned allowance are:

- **Reintegration allowance** – 90 GEL in the case of not having a child with disabilities and 130 GEL in the case of a child with disabilities.
- **Reimbursement of foster care-**
 200 GEL per month for a healthy child, placed in relative foster care;
 15 GEL per one calendar day for a healthy child, placed in non-relative foster care;
 300 GEL per month for a child with disabilities, placed in relative foster care;
 20 GEL per one calendar day for a child with disabilities, placed in non-relative foster care;
 20 GEL per one calendar day for urgent foster care (including a child with disabilities)
- **Social package** varies from 100 GEL to 494 GEL.
- **Subsistence allowance** – subsistence allowance for one person families is 60 (sixty) GEL. 48 GEL is added for the second and each subsequent family member.

In order to recognize the equal rights of the family members in Georgia, protection of their rights and freedoms, physical and psychological inviolability, protection of family values, detection, deterrence and prevention of domestic violence, protection, support and rehabilitation of the victims of domestic violence, legislative base have been established – from 2006, Law of Georgia “On Prevention of Domestic Violence, Protection and Support of the Victims of Domestic Violence” was launched and in 2010 “Child Protection Referral Procedures” were adopted by the joint order of the Minister of Labour, Health and Social Affairs of Georgia, the Minister of Internal Affairs of Georgia, the Minister of Education and Science of Georgia. The Procedures defines the specific events to support the protection of a child from all forms of violence, the rights and duties of competent authorities in the case of child abuse and the response mechanisms.

The entities, involved in the child protection referral procedures, are: department of patrol police and district services of territorial bodies of the Ministry of Internal Affairs of Georgia, LEPL Social Service Agency and its structural units – Local Bodies of Guardianship and Custody, schools, child specialized institutions (educational institution, day care center), medical institutions and rural doctors.

According to the indicated normative act, all institutions, having relation with a child, are in charge of reviling the child abuse, among them are school, medical institution, rural doctor, child specialized institution, agency, district service or patrol police.

Notification, regarding the urgent child abuse cases, goes to the patrol police hot line (on 24-hour-a-day basis), national 24-hour hotline, operating on the basis of LEPL State Fund for Protection and Support of Victims and Persons Affected by Human Trafficking, hotline of LEPL Social Service Agency, which provide response on phone notification. As for the suspected cases of child abuse, as soon as the notification is received the representative of the Guardianship and Custody – Social worker, is involved in the process, who assess the case, prepares the conclusion and the relevant recommendations.

2013-2015 Action Plan for Combating Domestic Violence and Measures to be implemented in order to Protect Victims of Domestic Violence was approved by the Order of the President of Georgia. The Plan includes the specific activities for the development of the nationwide network of services for the victims of violence, improvement of referral mechanisms, empowerment of the role of social worker, development of the professional knowledge and skills.

Interagency Council for Prevention of Domestic Violence has been established in order to prevent the domestic violence, combat it and protect the victims and affected persons of domestic violence, support and coordinate the efficient implementation of the functions, determined for the relevant state authorities in support and rehabilitation fields, develop the proposals, regarding the elimination of the reasons, contributing to domestic violence, closely cooperate with the state authorities of Georgia, non-governmental organization, international and local organizations, which work on these issues, in the problem revision process, related with the prevention of domestic violence, protection and support of victims, monitor the existing situation in the field of combating domestic violence.

The group, determining of the status of domestic violence victims, exists with the Interagency Council. It reviews the domestic violence cases and provides granting the status of victim of domestic violence for the alleged victim. According to the applicable legislation, the relevant service of the Ministry of Internal Affairs of Georgia or/and juridical body or/and group, determining the status of the victim of domestic violence are entitled to determine the status of a victim.

3 shelters for victims of domestic violence were operating in the country in December, 2013.

The Government of Georgia approved the national child welfare action plan for 2008-2011 and national child welfare and protection action plan for 2012-2015, which determined the specific activities for child protection. Moreover, coordination council has been created for the effective implementation of the Action Plan.

During the reporting period, the following programs/services are funded annually in the frameworks of the National Social Program:

- **Provision of children under risk of abandonment with food:**
The aim of the subprogram is reduction of child abandonment risk and promotion of biological parents by provision of child with artificial food products as defined by the Law of Georgia on protection and promotion of breastfeeding of children, artificial food consumption". The target group includes children up to one year and 6 months.
- **Child Early Development Subprogram:** the aim of the subprogram is to prevent the child disability and neglecting by stimulating the development of children under the risk of developmental retardation or children with disabilities, family empowering. The target group includes 0-7 year old children with mental and physical retardation (including Down's syndrome, cerebral palsy, autism, etc).
- **Children Rehabilitation/Habilitation Subprogram:** the aim of the subprogram is specific rehabilitation, habitation, improvement of physical health, empowering the adaptive capacities and supporting the social integration of target group children. The target group includes 3 and more year old children with the status of children with disabilities with cerebral palsy, spin muscular atrophy and related syndromes, muscular dystrophy, congenital myopathy and other primary injury of muscles (including unspecified), hemi-, para-, tetraplegia, results of Inflammatory and vascular diseases of the central nervous system, results of inflammatory polyneuropathy of the peripheral nervous system, birth injury and children under the age of 3, having the same state.
- **Day Care Center Subprogram:** the aim of the subprogram is supporting/empowering the target group families and prevention of child neglecting. The target group includes 6-18 year old children, having

disability status, including the children with disability status, whose families receive the reintegration allowance or are in foster care; also, 6-18 year old children with severe and profound mentally retarded children having disability status, including children, whose families receive the reintegration allowance or are in foster care.

- **Provision of Aids devices:** the aim of the subprogram is to improve the quality of functional independence of the target group and their integration into society by providing the people with disabilities, among them children with supporting equipment – wheelchairs, prosthetic-orthopedic equipment, hearing devises, cochlear implant, crutches, canes-crutches, canes for the blind and relaying frames. The target group includes people and children with disabilities in need of supporting equipment.
- **Subprogram Mother and Child Shelter:** the aim of the subprogram is prevention of infant abandonment and empowering the biological family of the child. The target group includes mother, having various problems together with her child (children) under age 10, if this (these) later(s) is (are) under the risk of entering an institution; also, woman, having various problems, who is at least 26 week pregnant (among them with the child (children) under age 10, if this (these) later(s) is (are) under the risk of entering an institution.
- **Foster Care:** the aim of the subprogram is provision of upbringing of children in the family environment by placing them into the foster families. The target group includes the children deprived of care under age 18, living in or to be transferred to the educational institutions, also, primary school students over age 18, in foster care, who cannot be returned to their biological families.
- **Small Group homes:** the aim of the subprogram is placement of children in small group homes and their upbringing in an environment imminent to biological family. The target group includes 6 to 18 year old children, deprived of care, living in or to be transferred to the educational institutions, including children with disability status, who cannot be returned to biological families, adopted or placed in foster care. Also, primary school students over age 18, living in educational institution.

Large-sized residential institutions (orphanage) are being operated as branches of the Legal Entity of Public Law “State Fund for Protection and Assistance of (statutory) Victims of Human Trafficking” under the control of the Ministry of Labour, Health and Social Affairs of Georgia.

Georgian legislation does not impose different regulations on children born in marriage or out of wedlock with respect to the protection of their rights of heritage and obligation to support.

According to the Legislation of Georgia, “Disclosure of the adoption secret is prohibited without consent of the biological parent, the adoptive parent and the adoptee, who is of legal age, except as provided by law” (Law of Georgia on Adoption and Foster Care). At the request of the adoptive parent, the place, month and day of birth of the adoptee may be changed in order to secure the confidentiality of the adoption. The real place and date of birth of the adoptee shall be stored and may not be dissolved, except when the adoptive parent wishes so until the adoptee attains the age of 18, or the adoptee, if he/she has attained the age of majority, according to the conditions, provided by the law. The real place and date of birth of the adoptee can be restores by his/her request when he/she attains the age of majority, by request of adoptive parent before the adoptee attains the age of majority. For the restoration of the real place and date of birth, consent of the adoptee is needed if he/she has attained 10 years” (the Civil Code of Georgia).

The Guardianship and Custody Agency considers child's placement of in foster care as the first alternative while placement of a child in state care, which is proved by the statistical data of children placement in state care services, according to which children inflow into the large-sized institutions has been reduced maximally, while their placement of them in foster care – has been increased.

Important changes were carried out in child care standards in 2009 (primary standard was developed in 2007), which is compulsory for everyone (despite the organizational and legal form of ownership) that implements 24-hour-in-a-day service for children (except foster care, licensed inpatient facility, an authorized educational institution, boarding school and the services, which are performed during less than 3 months per year) and for the day care centers for children without status of disability, registered as state program providers.

The standard, in turn, includes 16 standards – service inclusiveness, confidentiality, individual approach while service provision, emotional and social development, nutrition, rest and recovery opportunities, education, health care, feedback and protest procedures, protection from violence, care and supervision, preparation for independent life and leaving the service, beneficiary-oriented environment, safety and sanitary conditions, personnel requirements. According to the standard, the service provides shall (Standard N5, Emotional and Social Development):

- Create an environment, which provides close relationship between the beneficiaries, as well as between the employees, which is based on trust and goodwill.
- Support beneficiaries in establishment and maintenance of relationships with their peers and other members of community.
- Support beneficiaries in obtaining the social and living skills (self-care, cleaning the own place, fixing/washing clothes, etc.), also, identifying/developing their own capacities.
- Support beneficiary families (if any) to maintain the close relationship with beneficiaries and realize their obligations (If it is not contrary to the interests of the child, which is reflected in the individual service plan). In this regard, the records are made by the service provider, which are consolidated in the individual service plan.

The child care standards establish requirements for the child care service providers: the total number of beneficiaries does not exceed 10 on service site (separate venue), except for homeless children institution, where the total number of beneficiaries does not exceed 20;

The following obligation is defined for the service providers according to the child care standards (Standard N10, Feedback and Protest Procedures):

- To establish a simple and clear feedback and protest procedure, which is provided by the regulations and is known for the beneficiaries;
- Create conditions within the service, in order to give opportunity to the beneficiary/their legal representatives so that they leave their anonymous feedback regarding the service structure and content (e.g. there is a questionnaire, feedback book or other means of expressing anonymous comments).
- Revise the beneficiary comments on regular basis, at least once in a month;

- Consider the opinions and views of beneficiary while revision of the issues related with them and provide their inclusion in decision-making process;
- Keep records of all reasonable cases of protest/feedback”.

A social worker carries out the assessment of child and his/her biological family in accordance with the approved form, before child placement in state care. On the basis of the assessment, he/she develops an individual development plan of a child and implements monitoring over the fulfillment of the plan, supervises the foster child’s living conditions, upbringing, development, education, health condition, also the fulfillment of their obligations by foster mother/father.

Program Monitoring Division, operating in the Ministry of Labour, Health and Social Affairs of Georgia, provides the control over the fulfillment of the requirements by the child care services, as defined by the child care standards and prepares the relevant recommendations for the performer. Only in 2013, 40 institutions (24-hour-a-day service – 31, day care center – 16) were monitored, recommendations were prepared according to the separate standards and the service providers were given the time in order to correct the identified deficiencies.

From 2012, only 3 orphanages for the children with disabilities are operating with the state funding in Georgia, with no less than 35 beneficiaries in one house. 24-hours-a-day childcare services for children without disabilities are small group homes, in which maximum number of children is 10 children according to the child care standard.

The Civil Code of Georgia defines regulations restricting, suspending and depriving from the rights and duties of parents. In particular:

Restriction of Parental Rights and Responsibilities

1. The rights and responsibilities of the parents can be restricted only by a court proceeding, if not otherwise prescribed by this Code.
2. The law court can restrict one or several rights and responsibilities of a parent, independently from the other rights and responsibilities of the parent.
3. The guardianship and custody of a child is determined, when right or responsibility of both parents is restricted according to this Code.
4. As far as possible, the parent retrains the obligation to support the child, when parental rights are restricted, according to the alimony obligations pursuant to this Code.

Suspension of Parental Rights and Responsibilities

1. Court may suspend the parental rights to represent the child throughout the juridical proceedings, until dispute solution according to the Article 1200 (Upbringing of children by mutual agreement of the parents) and Article 1201 (Place of residence of minor children in case of divorce of the parents) of this Code.

2. If a child is found, the identity and place of residence of whose parent(s) is unknown, his/her parent's (parents') rights and responsibilities shall be deemed suspended without a decision of a law court, before:
 - a. The identity of a child or his/her parent(s) is detected or he/she returns to his/her family;
 - b. The identity of the child parent(s) is detected, who avoids fulfillment of parental rights and responsibilities and law court suspends parental rights and responsibilities or recognize the child abandoned. In this case, the law court renders a decision on the deprivation of parental rights together with recognition of a child abandoned.
 - c. The child is recognized abandoned.
3. Parental rights and responsibilities are deemed to be suspended when abandonment of a child, expressed by parent(s) own action or inaction, when the child is placed in 24-hour state care institution. In such case, suspension of parental rights and responsibilities is valid for the period of the existence of the grounds for suspension.
4. In the case of domestic violence, when the protective and restrictive order operates against the parent, parent's representative right or/and parent's right to determine with whom and where the child can live, is deemed suspended for the period of the validity of restrictive or protective order.

Deprivation of Parental Rights

1. As an extraordinary measure, the deprivation of parental rights may be effected only by a court proceeding, a guardianship and custody agency or by initiative of a child, who has reached age of 14, if not otherwise provided in this article.
2. The parents (or one of the parents) may be deprived of their parental rights if it is found that they (or one of them) systematically evades performance of the duty of rearing the children or abuses the parental rights – mistreating the children with cruelty, having a negative influence on them by immoral behavior, as well as if the parents are chronic alcoholics or drug addicts, or if they engaged the child in anti-social behavior (including begging, vagrancy), or whose child was recognized abandoned.

Restoration of Parental Rights and Responsibilities

1. Parental rights and responsibilities may be restored only in a court proceeding, initiated upon the application of the child, one of the parents or a guardianship and custody agency.
2. Parental rights and responsibilities may be restored only if it is found that there is no reason for the restriction or deprivation of parental rights.
3. If the child is ten years of age or older, the court shall take into account the child's preference as well.
4. Restoration of parental rights with respect to a child adopted by another person shall not be allowed, except the cases if the adoption is considered void.
5. The rights and responsibilities of the parent will be restored automatically after the expiry of the suspension term.

According to the Code of Civil Procedure of Georgia, the decision made by the court of first instance can be appealed in the appellate court by the parties and third parties (including the decision regarding the

suspension/deprivation of parental rights) with an independent request within the time, prescribed by the law.

According to the Law of Georgia on Elimination of Domestic Violence, Protection of and Support to its Victims: “Under its competence and in accordance with this law, preventative measures shall be the introduced by the Ministry of Labour, Health and Social Affairs of Georgia, Ministry of Internal Affairs of Georgia, Ministry of Education and Science of Georgia, Office of the Prosecutor of Georgia and Judiciary.”

Protective and restrictive order is issued as a temporary measure by the competent authorities for rapid response to domestic violence in order to protect the victim and provide restriction of certain actions of the abuser.

A protective order is in act issued by the first instance court judge based on administrative proceedings, which defines temporary protection measures of victims and restrictive order is an act issued by the authorized employee of police, which defines temporary protection measures of victims in cases of domestic violence and which shall be submitted to the court for approval within 24 hours. The protective order shall be issued for the period of 6 months and the terms of its validity shall be determined by the court. The court shall be authorized to decide on extension of the protective order. The restrictive order is issued for a period of 1 month and the law court approves or refuses to approve within 24 hours from the appeal of an authorized person.

In the cases of domestic violence, if a person, provided by the law (the right to request the protective order rests with the victim, his/her family member, or at the consent of the victim, a person providing him/her with medical, legal or psychological aid; in cases of violence against a minor child, institution of custody and care shall have this right) appeals to the law court with the request to issue a protective order, the law court considers the issue of violent parent/parents’ relationship with their minor child. If there are traces of violence against a minor, the court can consider the issue of separation of the minor from his/her violent parent/parents, as a temporary measure before the final decision of the court”.

“In the cases, provided by the Legislation of Georgia, a minor from the age 14 has a right to apply to the law court I order to protect her/his rights and legal interests. In this case, the court appoints a procedural representative and considers the case. The minor plaintiff has a right to disagree with his/her procedural representative and defend themselves. In such cases, the court is required to engage the guardianship and custody agency”.

“The law court determines the terms of visits of the child by a violent parent. The parent shall be given the right to visit the child only in case where all safety measures are taken, including place of the visit, time, periodicity, duration and person(s) responsible for protection of safety measures”.

“In case of abduction of the child by the violent parent or in case of real threat of other damage, the court may decide to prohibit the violent parent to visit the child until the change of circumstances”.

In addition, the Civil Code of Georgia specifies that in the cases of domestic violence when the protective or restrictive order is issued against the parent, parent's rights of representation and/or parent's right to determine with whom and where the child will live, shall be deemed suspended for the period of the validity of restrictive or protective order.

Number of children placed in residential institutions, small group homes and alternative care services:

Year	Foster Care	Small group homes	Large-sized residential institutions	Total
2010	509	130	1005	1644
2011	723	267	989	1979
2012	1013	325	204	1542
2013	1094	315	132	1541

Year	Number of reintegrated children by years
2010	264
2011	318
2012	354
2013	398

According to code of criminal procedure of Georgia, maximal term of pre-trial detention of minor is 9 months;

According to criminal code of Georgia, age of criminal responsibility is 14;

According to imprisonment code, in the period of detention, minor has right of not more than 4 short visits in a month; Mentioned right can be granted or limited by decision of inspector and procurator.

The accused minors, by current situation, are located in to two facilities, isolated from convicted adults. For guilty minors functions separate Minor Rehabilitation Facility.

Convicted minors are provided with educational conditions appropriate to country's general education standards. Education in the Minor Rehabilitation Facility is provided by Ministry of Education of Georgia.

For convicted minors in facility infrastructure conditions correspond to international standards. There is a separated space for physical activities, and they are locally involved in psycho-social programs by officials of social department. These programs promote to minor rehabilitation.

Information to be submitted

Article 17§2

GoG Response

The law of Georgia on general education regulates main objectives of state policy in the field of general education of Georgia for achievement of which the state provides:

- a) Openness and equal access to general education for everyone for the whole life;
- b) Right to get general education as near as the place of residence, on state or native language by each pupil (including, pupils with special education needs. (the law of Georgia on general education, article 3.2)

According to paragraph “a” of article 9 of this law: “everyone has an equal right to get full general education in order to fully develop their personality and obtain the knowledge and skills that are necessary for equal opportunities of achieving success in private and public life. Receiving primary and basic education is mandatory.”

For provision of availability of general education the state funds 12 years of general education. Since the law of Georgia on general education entered into force in 2005, general education system moved to voucher model considered for one pupil where both public and private schools receive money from the state budget according to the number of pupils. In addition, the ministry of education and science implements a number of programs for providing of availability of general education:

The program of free textbooks

Till 2012-2013 within the social program the ministry of education and science implemented giving free textbooks to pupils from grade 1 to 12 for specified target groups:

- Members of socially vulnerable families;
- Pupils of those families in which three or more brothers or sisters go to school;
- Children of soldiers perished in August war of 2008.

Since 2013-14 within the project the ministry provided all the pupils of all public schools of the country, also socially vulnerable pupils of private schools, pupils of families perished in war and pupils moved to private schools as a result of alienating the building of public schools that have an obligation with free textbooks and exercise books of subjects.

Subprogram of school availability

With the initiative of the ministry of education and science of Georgia the program of school availability has been launched since January, 2013. The program implies to provide the pupils of the public schools with transport who had to walk a long distance to school.

Beneficiary
2013-2014 academic year – 46228 pupils

Subprogram of re-training the teachers of Gali Region and preparing university entrants for national exams

Since 2013 the Ministry of Education and Science of Georgia implements the subprogram of re-training the teachers of Gali region and preparing university entrants for national exams the aim of which is to increase the opportunity to get full general education specified by the Georgian legislation for the pupils living on the territory of occupied Abkhazia, to support to enhancement of their competitiveness at national exams.

Beneficiary
45 teachers

School leaving exams

Since 2011 according to the decree N48/m of the Ministry of Education and Science of Georgia “rule and conditions of conducting school exams” was defined on the basis of which those people will be identified who will get the document certifying full general education – school-leaving certificate on confirmation of the relevant document by the state. School leaving exams are free for pupils.

Program for availability to receive education in institutions of correction

According to the constitution of the country and the law of Georgia on general education the state is obligated to provide transparency of general education and equal access for everyone during the whole life. “The state provides general education in imprisonment institutions according to the rule defined by imprisonment code.” (The law of Georgia on general education paragraph 4 article 7).

Since 2009 the Ministry of Education and Science of Georgia has implemented the program for availability to receive education in institutions of corrections the aim of which is to support reintegration in the public of convicted/charged pupils in detention and imprisonment institutions by means of provision of teaching the subjects specified by the national curriculum and continuity of education. From 2010 including 2013 up to 400 pupils received education within the mentioned program.

On the scale of the country the number of private/public schools is presented in the table according to their geographical location. In addition, the number of primary and basic schools and correlation of pupils and teachers is presented. Moreover, according to article 4 of decree N36/m as of March 18, 2011 of the minister of education and science of Georgia on approval of the national curriculum, “maximum number of pupils in class is defined by 30 pupils” “exception is allowed according to the written agreement with the ministry of education and science of Georgia. In this case the number of pupils shall not exceed 35” “the ruled defining the maximum number of the pupils applies the pupils entering the first grade in 2005-2006 academic year and every next generation. Schools may enforce this rule in upper grades only in case this action does not lead to dismissal of pupils from school.”

2009-10 academic year			
Schools	Public	Private	Total
Total	2179	283	2462
City	540	270	810
Village/town	1639	13	1652
Schools with primary stage	2174	236	2410
Schools with basic stage	2166	242	2408
Pupil/teacher correlation	8	5.9	7.8
2010-11 academic year			
Schools	Public	private	Total
Total	2130	299	2429
City	521	286	807
Village/town	1609	13	1622
Schools with primary stage	2126	252	2378
Schools with basic stage	2128	251	2379
Pupil/teacher correlation	8.5	6.5	8.3
2011-12 academic year			

Schools	Public	Private	total
Total	2084	233	2317
City	480	222	702
Village/town	1604	11	1615
Schools with primary stage	2082	206	2288
Schools with basic stage	2073	203	2276
Pupil/teacher correlation	8.4	6.1	8.1
2012-13 academic year			
Schools	public	private	total
Total	2084	236	2320
City	495	231	726
Village/town	1589	5	1594
Schools with primary stage	2082	213	2295
Schools with basic stage	2073	211	2284
Pupil/teacher correlation	8.3	6.5	8.1
2013-14 academic year			
Schools	public	private	total
Total	2084	244	2328
City	495	232	727
Village/town	1589	12	1601
Schools with primary stage	2082	213	2295
Schools with basic stage	2073	210	2283
Pupil/teacher correlation	8.4	6.8	8.2

Article 19 – The right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

1. to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;
2. to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;
3. To promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;
4. To secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favorable than that of their own nationals in respect of the following matters:
 - a. remuneration and other employment and working conditions;
 - b. membership of trade unions and enjoyment of the benefits of collective bargaining;
 - c. accommodation;
5. To secure for such workers lawfully within their territories treatment not less favorable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;
6. To facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;

7. To secure for such workers lawfully within their territories treatment not less favorable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;
8. To secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;
9. To permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;
10. To extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply.
11. To promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;
12. To promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

Appendix to Article 19§6

For the purpose of applying this provision, the term "family of a foreign worker" is understood to mean at least the worker's spouse and unmarried children, as long as the latter are considered to be minors by the receiving State and are dependent on the migrant worker.

Information to be submitted

Article 19§1

GoG Response

In accordance with the rights and freedoms guaranteed by the Constitution of Georgia, as well as the norms and principles recognized by international law, the Law on Legal status of Foreigners (Migrants) is aimed at facilitating international cooperation in preventing illegal and clandestine migration, as well as irregular and chaotic migration and insuring the implementation of targeted migration policy and the involvement of state authorities in these processes.

It should be mentioned, that according to the Law on Fighting against Trafficking stipulates that actions of the state in the area of avoidance of human trafficking include: reduction of threat of illegal labour migration and human trafficking through providing informative- educational activities, including establishment of hot-lines in relevant state institutions, elaboration of educational programs for the society, provision of information on legal labour and avoidance of human trafficking of Georgian citizens abroad, as well as protection, assistance and rehabilitation centers, etc. for the victims of trafficking to the Georgian institutions on passport-visa services, border check points and consulate departments.

As it was mentioned above, Georgian Permanent Interagency Coordination Council for Carrying out Measures Against Trafficking in Persons coordinates the arrangement of the wide Public Awareness Activities, including trainings, establishment of hot-lines, elaboration of special curriculum, broadcasting of public service announcements and TV and radio programs, preparation and dissemination of the print information material, public discussions on the issue of trafficking in persons, etc.

Article 19§2

GoG Response

Law on Legal Status of Foreigners of Georgia stipulates that migrants in Georgia shall enjoy the right to health protection in compliance with the Georgian legislation.

It should be emphasized, that according to the above-mentioned Law, migrants residing permanently in Georgia shall have the same right to assistance, pension and other forms of social security as citizens of Georgia. Social security of migrants residing temporarily in Georgia and stateless persons shall be determined in compliance with the Georgian legislation and international treaties.

Under the new law the following residence permits can be issued to aliens: residence permit for work, education, family reunification, residence permit of a former citizen of Georgia, residence permit of a stateless person, special residence permit, permanent residence permit and an investment residence permit.

The following residence permits are issued with the right of temporary residence: a residence permit for education, work, family reunification, and residence permit of a former citizen of Georgia, residence permit of a stateless person and a special residence permit.

The Georgian law about the social assistance applies to persons needing social care, impoverished families and homeless persons permanently residing in Georgia on a legal basis, if otherwise is established by this law. Accordingly, the migrants being in Georgia on a legal basis, in the same case, have a right to receive the assistance intended for persons living in poverty.

What about providing the accommodation for the migrant workers, this practice in a number of cases is used by the certain large employers.

Article 19§3

GoG Response

In 2013 GoG signed the bilateral agreement regarding circular labour migration with France. The aim of this agreement is to enable the young people wishing to enhance their professional knowledge and skills to work by their profession in France. This program covers people higher as well as vocational education. The negotiations between Georgia and France on this agreement are already completed and will be signed in near future. In addition, 19 countries expressed their readiness to start negotiations on similar agreement.

Article 19§4

GoG Response

It should be noted that the Law on Legal Status of Foreigners of Georgia was amended in the recent year. The mentioned law stipulates that migrants in Georgia may carry out work activity in compliance with the rule established by the Georgian legislation. It should be mentioned, that according to the above-mentioned Law, migrants in Georgia shall have the same rights, freedoms and obligations as citizens of Georgia. Migrants in Georgia shall be equal before the law irrespective of their origin, social and material status, race, nationality, sex, education, language, religion, political or other beliefs, field of activity, other conditions. Georgia shall guarantee the protection of the life, personal inviolability, rights and freedoms of a foreigner (migrant) on its own territory.

According to the new Labour Code, labour and pre-contractual relations shall prohibit any type of discrimination due to race, skin color, language, ethnicity or social status, nationality, origin, material status or position, place of residence, age, sex, sexual orientation, marital status, handicap, religious, public, political or other affiliation, including affiliation to trade unions, political or other opinions..

Foreigners in Georgia shall have the same right to establish civil associations and affiliate with trade unions, scientific, cultural, sports and other civil organizations as citizens of Georgia. Foreigners as citizens of Georgia have the right to participate in collective bargaining and receive benefits from this. As for the accommodation, foreigners have the right to choice of place of residence.

With the purpose of the regulation of labour migration processes in Georgia the State Migration Commission has been established in 2010. In the framework of the mentioned commission in 2013 the decision on the elaboration of the Labour Migration Law has been made and the Ministry of Labour, Health and Social Affairs of Georgia was entrusted to develop the draft of the law. The initial draft of the law was presented by the Ministry on 24 September of 2013. In the framework of the State Migration Commission the working group was formatted in order to work on the further improvement of the draft. Currently, the negotiation process between the members of the State Migration Commission is in progress. In 2013, for the purposes of employment support an interactive web-portal (worknet.gov.ge) was created by MoLHSA. The job-seekers including migrants may register on the web-portal, which is the part of the Labour Market Information System (LMIS). The registration in the system is voluntary and free.

Article 19§5

GoG Response

Migrants living in Georgia shall be subject to taxation in the same manner as citizens of Georgia. Migrants may carry out investment and business activity in compliance with the Georgian legislation. In this case they shall have the same rights and obligations as citizens of Georgia.

According to the Georgian Organic Law Georgian Labour Code:

“3. In Labour and pre-agreement relations any type of race discrimination, skin color, language, ethnic and social ownership, nationality, origin, property and title condition, residing place, age, sex, sexual orientation, limited abilities, religious, public, political or other community (union) is prohibited, including because of professional union, ownership, family status, political or other views. (12.06.2013 #729).

Direct or indirect oppression will be considered as discrimination, which aims or causes his terrifying, hostile, degrading and abusive conditions, or to creating this kind of conditions to person, which directly or indirectly worsens his condition in comparison to other persons being in the same conditions.”

Migrant workers, including in the terms of taxes, use all the rights, which have other local employees.

According to the Tax Code of Georgia income tax payer is:

- a) Resident physical entity;
- b) Non-resident physical entity, which receives income from the source, existed in Georgia.

According to the same Code, the income received from the source in Georgia by non-resident, as well as Georgian resident physical entity's income, is taxed by 20%.

It should be noted, that in the sphere of taxes rights protection and non-admission purpose of discrimination, Georgian Tax Code Article 42 defines tax ombudsmen functions:

1. Tax ombudsman supervises the protection of the tax payers' rights and legal interests on the territory of Georgia, reveals their violation facts, assists violated rights recovery.
2. Tax ombudsman reviews the statements and claims of the persons, regarding tax and tax payers' rights violation facts by other state bodies.
3. Tax ombudsman in own business is guided by the Georgian constitution, other laws of Georgia, Georgian international agreement and treaty, the norms and principles accepted by the international law.
4. Tax ombudsman has a right to receive the definition to the issue of the tax payers' statements and / or claims.
5. In case of reveal of Tax payers' rights violation facts tax ombudsman applies to the appropriate body and gives a recommendation about the implementation of these rights' measures.

Article 19§6

GoG Response

Law on Legal Status of Foreigners of Georgia includes separate section on migrants' entry to, stay on, passage in transit through and departure from Georgia. One of the major principles of migrants' entry to, stay on, passage in transit through and departure from Georgia is resections of the principle of family integrity.

A migrant holding a permit of residence have the right to invite to Georgia his/her family members and relatives.

According to thee new law of Georgia on Legal Status of Aliens and Stateless Persons:

A permanent residence permit is issued to a parent, child, or spouse of a citizen of Georgia, as well as to an alien who has lived in Georgia for the last six years on the basis of a temporary residence permit.

A spouse, child, parent of an alien or of a person having the status of a stateless person in Georgia, as well as a person under guardianship or custody of an alien or of a person having the status of a stateless person in Georgia, and/or a fully dependent minor, or a legally incompetent or disabled person may receive a residence permit for family reunification purposes. A residence permit for such purpose may be issued with the right of temporary stay (in Georgia) for a period of up to six years.

An alien, who is a spouse, parent or child of a citizen of Georgia, may receive a residence permit with the right of permanent residence.

In order the firm and regular connection to be maintained with the child's parents and other family members that live in different countries and the necessity of children's protection is not a reason for their separation, the authority is involved in the case and co-operates with the competent authorities (Ministry of Foreign Affairs, Ministry of Justice, Ministry of Internal Affairs) on the activity of which these relationships depend. As a result of legal procedures, a child has an opportunity to return into biological family and restore strong connection with it.

Article 19§7

GoG Response

Law on Legal Status of Foreigners of Georgia stipulates that migrant workers shall have the right to appeal to courts and other state authorities to insure protection of their personal, property and other rights. During proceedings, foreigners shall have the same procedural rights as citizens of Georgia.

According To Ordinance No 525 Government of Georgia 1 September 2014, On Approving the Procedures for Removing Aliens from Georgia:

„ Article 12 - Executing a decision on removing an alien from Georgia

9. Within a reasonable period before executing the removal, the Authorized Body of the Ministry shall inform an alien, in the language he/she understands, where (to what country), when (date and time) and under what conditions (with or without escort) the decision on his/her removal will be executed. If during the removal process an alien is not in an accommodation center, the notice shall be served in person.”

Article 19§8

GoG Response

Law on Legal Status of Foreigners of Georgia stipulates to secure for such workers lawfully residing within their territories are not expelled. A foreigner can be expelled from Georgia if:

- a) he/she entered illegally to the territory of Georgia;
- b) legal basis for his/her further stay in Georgia no longer exists;
- c) his/her stay contradicts the interests of Georgia’s national security and public order;
- d) his/her expulsion is necessary for the protection of health, rights and legal interests of Georgian citizens and other people staying legally on the territory of Georgia;
- e) he/she systematically violates the Georgian laws;
- f) he/she gained a legal reason for entry to or stays in Georgia through the filing of false or invalid documents;
- g) he/she was sentenced to over one year of the restriction of liberty for one or several premeditated offences - after the serving out of the sentence.

According to the (Article 51 – Removing aliens from Georgia) law of Georgia on Legal Status of Aliens and Stateless Persons

1. An alien may be removed from Georgia:

- a) if he/she has illegally entered Georgia;
- b) there are no legal grounds for his/her further stay in Georgia;
- c) his/her stay in Georgia is contrary to the state security and/or public order;
- d) his/her removal is necessary for protecting the health, rights, and legitimate interests of citizens of Georgia and of other individuals lawfully staying in Georgia;
- e) he/she repeatedly breaches the legislation of Georgia;
- f) he/she has obtained legal grounds for entry or stay in Georgia through forged or invalid documents;
- g) after he/she completes serving the sentence, if he/she has committed a premeditated crime for which he/she was sentenced to more than one year of imprisonment;

h) before he/she completes serving the sentence, if he/she has been given a non-custodial sentence, or before the expiry of the probation period, if he/she has been given a conditional sentence.

2. Paragraph 1(a) (b) of this article shall not apply to a person during the course of the administrative procedure for determining the status of a stateless person carried out by the Agency.

3. Any stateless person may be removed from Georgia only in the circumstances prescribed by paragraph 1(c) of this article, as provided for by this Law.

The LEPL State Service Development Agency within the Ministry for Justice of Georgia makes a decision on deferring the obligation of an alien lawfully staying in Georgia to leave Georgia. The decision is made in the following cases:

- if an alien has applied to the Agency to obtain a residence permit or citizenship of Georgia;
- in case of illness or pregnancy, when according to a doctor's opinion, travel will pose a threat to his/her health. In such a case, his/her family members and accompanying persons may stay with him/her;
- if proceedings are pending in a court of general jurisdiction in Georgia with the participation of an alien and if his/her stay in Georgia is essential for protecting his/her interests;
- if during an alien's transit through the territory of Georgia he/she has to stay in Georgia for more than five days;
- on the basis of an application of a competent person of a ministry of Georgia or a state sub-agency.

Removal (deportation) of an alien is an action by an authorized state body, intended to ensure the exit of an alien or a person holding the status of a stateless person in Georgia, from Georgia against his/her will if there are grounds specified in the Law of Georgia on Legal Status of Aliens and Stateless Persons.

Under the law, the Ministry for Internal Affairs of Georgia is the authorized body responsible for identifying aliens unlawfully staying in the country and for ensuring their removal from the country.

If an alien unlawfully staying in Georgia is detected, the Migration Office of the Ministry for Internal Affairs of Georgia makes a decision on his/her removal from the country, after which the alien will be given the opportunity to voluntarily leave the country within 10 to 30 days. If the person stays in Georgia after expiry of that period, the procedures for the person's forced removal will begin. In that case, the alien may be detained and transferred to a temporary placement center of the Ministry for Internal Affairs of Georgia.

If an alien is placed in a temporary placement center, the law prohibits discriminatory, degrading, and humiliating treatment. The law defines that an alien is to be treated with consideration of his/her gender, age, and cultural specificities; separate placement of women and men is to be ensured; in the case of placement of a family, the principle of family unity is to be observed; and the rights of minors are to be protected. The maximum period of stay of a person at a temporary placement center is three months. An alien must be immediately released upon the expiry of this period.

The law provides for the protection of the supreme interests of the child and the principle of family unity, according to which a minor unlawfully staying in Georgia is placed at a temporary placement center for a minimal period. As far as a family is concerned, under these principles, a family must be placed together in a

separate room.

In addition to an unlawful stay in the country, an alien can be removed from the country if he/she systematically violates the legislation of Georgia, is sentenced to more than one year of imprisonment for having committed a premeditated crime, in which case the person will be removed from the country after having served the sentence, etc. The court considers these issues and makes a decision.

Under the law, the Ministry for Internal Affairs and/or the court are authorized to defer removal of a person from the country under certain circumstances. Such decision may be made in the case of force majeure, deterioration of physical or mental health of a person, or pregnancy, if according to a doctor's opinion further travel poses a threat to the person's health, etc.

An alien's removal from Georgia may be deferred for a maximum period of 60 days.

A person can be detained at the request of the Ministry for Internal Affairs of Georgia, on the basis of a court decision. He/she may be detained for the purpose of ensuring his/her removal from the country when he/she cannot be identified, or if there is a threat that he/she may go into hiding, etc. Within 72 hours after the detention, a person may be placed in a temporary detention center, and after that, on the basis of a court decision, the person will be transferred to a temporary placement center of the Ministry for Internal Affairs of Georgia.

Upon detention, an alien is informed of the reason and grounds for his/her detention, as well as his/her rights guaranteed by the legislation of Georgia that include the right to hire a lawyer, the right to notify his/her next of kin of his/her detention, the right to refer to a diplomatic mission/consular office of the country of his/her citizenship, the right to request medical examination, the right to appeal the detention, etc.

On the basis of a court decision, other alternative measures may be imposed on the person.

the new law provides for several alternative possibilities regarding financing of the removal of an alien from the country. Particularly, all the costs of the removal execution are to be borne by the alien concerned, or the person having invited the alien, and if the costs cannot be covered in this manner, the removal costs will be covered, partially or completely, by Georgia. Alternative measures to placing an alien in a temporary placement center are: appearing at the respective territorial body of the police regularly, not more than twice a week; a guarantee by a citizen of Georgia connected to the alien; or a bank guarantee of at least GEL 1 000, or a certificate of regular income, or a maximum bail of GEL 2,000.

Article 1969

GoG Response

Migrant workers living in Georgia shall be subject to taxation in the same manner as citizens of Georgia. Georgia does not have any limitations on capital repatriation and it is not taxed.

Migrant workers are not limited in implementation of the transaction of their own earned money and savings.

According to the Organic Law about the National Bank:

“2. The National Bank implements a supervision of the money remittance persons and currency exchanges for only Counterfeit money flow restriction and for the purposes of Georgian Law “about the illegal income legalization restriction support”, its registration cancelation, inspection, establishing the minimal requirements against them and imposition of the sanctions for them.

According to the Georgian National Bank President order #24/04 from April 7 of 2011 year “About the Bank institution account opening and conduction of the operations in foreign currency instruction approval”, the limits are established for only the following cases:

“2. Any kind of banking operations implementation in foreign currency is allowed, except of:

- a) Payments related to delivery of products at Georgian territory and / or providing of service, if this operations are not related to export – import;
- b) The payments implemented by the resident in benefit of person registered in free industrial zone.

2¹. The limits defined by the paragraph 2 of this Article related to the banking operations in foreign currency do not apply to: (19.06.2014 #58/04)

a) To the operations of foreign currency denominated financial instruments’ general funds, interest rates, penalty having the expression of interest and / or the payments of fines?

b) To the cases of transaction of funds by a non-resident person on other country territory.

If the foreign currency transaction operation amount exceeds 30000 GEL or equivalent in other currency, the Bank is obliged to request from the payer Entrepreneur subject the copies of the transaction purpose documents. Bank is obliged to store the copies of the document provided by this paragraph. The storing of the copies is available in electronic form.

Article 19§10

GoG Response

The protection and assistance envisaged in the article 19 of European Social Charter are extended to self-employed migrants.

Article 19§11

GoG Response

Migrants in Georgia shall have the same right to education as citizens of Georgia, including national language of the receiving country.

Article 19§12

GoG Response

There are no special state programs to promote the teaching of the migrant workers native language, because there are not many long-term migrant workers presented in Georgia. It should be mentioned, that migrant workers in Georgia have a guaranteed right to use their native language and protect their national culture and traditions.

There are foreign language schools functioning in Georgia, where education is available in Ukrainian, Armenian, Azerbaijani, Russian, English and other Languages.

Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake

1. to take appropriate measures:

a. to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;

b. to take account of their needs in terms of conditions of employment and social security;

c. to develop or promote services, public or private, in particular child day care services and other childcare arrangements;

2. to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;

3. to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Appendix to Article 27

It is understood that this article applies to men and women workers with family responsibilities in relation to their dependent children as well as in relation to other members of their immediate family who clearly need their care or support where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. The terms “dependent children” and “other members of their immediate family who clearly need their care and support” mean persons defined as such by the national legislation of the Party concerned.

Information to be submitted

Article 27§1

GoG Response

At the request of the employee s/he is entitled to the leave in the amount of 12 weeks for not less than two weeks a year due to looking after the child until the child is 5 years old. Leave due to looking after the child can be given to anyone actually looking after the child. According to the Labour Code, the grounds for temporary suspension of labour relations, inter alia, can be annual leave or leave for pregnancy, child delivery and child care, leave for adopting the child and additional leave due to taking care of the child. Termination of a contract during the suspension of labor relations is prohibited.

In 2013 GoG has adopted the National Strategy and 2013 – 2014 Action Plans for Labour Market Formation. In the Framework of the strategy the labour market infrastructure was formatted and developed in order to enhance the range and quality of services available to job-seekers. At the same time an integrated web-portal for the EPCs (www.worknet.gov.ge) is fully operated.

The Georgian Law on the State Budget of Georgia 2014 contains the budget for the implementation of the State Training and Re-Training Sector Support Programme of Georgia. Currently the Ministry of Labour, Health and Social Affairs of Georgia has elaborated the initial draft and continuous working in this regard. After the approval of the program the practical implementation will be launched in 2015.

In line with the grant agreement between the UNICEF and the Geostat concluded on December 4, 2012, the Geostat carried out the project “Data collection for Early Learning and Child Care in Georgia” during December 4, 2012 – June 7, 2013.

1259 preschool institutions (kindergartens) in Georgia. The number of kindergartens across regions is given in the table below

Region	Number of kindergartens
Tbilisi	157
Adjara	57
Guria	70
Imereti	239
Kakheti	205
Mtskheta-Mtianeti	55
Racha-Lechkhumi and KvemoSvaneti	36
Samegrelo-ZemoSvaneti	226
Samtskhe-Javakheti	34
KvemoKartli	84
ShidaKartli	96
Total	1259

Notes: One kindergarten in Samegrelo-ZemoSvaneti was closed in July 2012 due to renovation. In 2011/2012 15 kindergartens did not operate: one in each of Adjara, Mtskheta-Mtianeti, and SidaKartli regions; 2 in each of Imereti and Samegrelo-ZemoSvaneti; 3 in Guria, and 5 in Kakheti. Thus, data for academic year 2011/2012 are available for 1244 kindergartens.

In academic year 2011/2012 attendance was free of charge in only 24 kindergartens. In particular, attendance fee was abolished for all kindergartens located in Mestia due to high altitude; in 1 kindergarten of Akhagori municipality (Tserovani IDPs settlement) the IDPs were exempt as the municipality provided full funding. In 3 kindergartens of Lentekhi there was no attendance fee as children’s parents themselves provided food, while parents’ fees were also cancelled in 1 kindergarten of ShidaKartli.

In 2011/2012 the highest fee for kindergartens was in Tbilisi (80 GEL) and the lowest - in Racha-Lechkhumi (GEL 3 in Tsageri municipality).

Table 1.7 Parents' average payments for public preschool institutions in 2011/2012 school year

Region	Urban	Rural	Total
Tbilisi	50.8	-	50.8
Adjara	30.3	14.1	23.7
Guria	12.6	10.0	10.7
Imereti	13.4	12.6	12.9
Kakheti	9.3	9.0	9.1
Mtskheta-Mtianeti	16.3	13.3	14.1
Racha-Lechkhumi	9.6	8.0	8.3
Samegrelo	20.9	13.1	15.1
Samtskhe-Javakheti	23.3	21.0	22.6
KvemoKartli	28.0	25.0	26.5
ShidaKartli	18.3	12.6	14.5

In Tbilisi the fees ranged between GEL 30-80.

Table 2.13 Number of places and number of children enrolled at the end of the 2011/2012 academic year

	Tbilisi	Adjara A.R.	Guria	Imereti	Kakheti	Mtskheta-Mtianeti	Racha-Lechkhumi	Samegrelo	Samtskhe-Javakheti	KvemoKartli	ShidaKartli	Total
Number of places	43300	6760	3233	18162	12106	2838	1001	9706	2880	9937	6652	116575
Number of children	41420	6742	2875	15671	9420	2462	689	8571	2755	8527	6171	105303
<i>Among them:</i>												
Girls under 3 years old	3263	250	325	1943	1309	342	101	860	323	823	784	10323
Boys under 3 years old	3307	288	339	1956	1390	458	86	884	310	900	865	10783
Girls elder then 3 years	16893	3005	1097	5650	3232	787	255	3355	1088	3244	2236	40842
Boys elder then 3 years	17957	3199	1114	6122	3489	875	247	3472	1034	3560	2286	43355

From table 2.19 we see that similar to other years, in 2011/2012 the number of places in recent years exceeds the number of enrolled children in all regions.

Table 2.18 Number of groups with other-than-Georgian primary language of instruction, end of academic year 2011/2012

Language of learning	Tbilisi	Adjara A.R.	Kakheti	Samtskhe-Javakheti	KvemoKartli	Total
Russian	15	1	1	3	2	22
Armenian	0	0	0	20	2	22
Azeri	0	0	2	0	7	9
Total	15	1	3	23	11	53

The organizational legal form of kindergartens is a not-for-profit legal entity. Kindergartens across regions are mainly accountable to preschool institutions management agencies in respective municipalities – institutions which perform the duties of direct management of kindergarten; however, there are some exceptions as the kindergartens are directly subordinated to the municipal bodies.

The majority of kindergartens indicated that preschool institutions management agency is responsible for finances and educational program/plan, while kindergartens are involved in children’s registration process. A preschool institutions management agency participates at all stages of functioning of kindergarten. Its main functions are assessment, monitoring, analyses of educational process and methodological support of kindergartens; however, issues like improvement of staff’s knowledge, provision of standards, data processing and analyses are also part of their responsibilities.

Preschool education in Georgia is completely decentralized – local municipalities are in charge of funding and operating preschool education institutions. However during the last several years a number of initiatives have been launched at central level: Ministry of Education and Science of Georgia (MoES) and National Curriculum and Assessment Center (NCAC) in collaboration with UNICEF have developed important documents and methodological resources for preschool professionals: Early Learning and Development Standards, manual of recommended standards for physical environment of preschool education institutions, Preschool Education Curriculum, methodological resources for preschool teachers and directors.

At the given stage improvement of quality and access in preschool education sector has been prioritized at the state level. This includes supporting methodologies in practice at pre-school institutions, strengthening teacher professional development systems at local levels and strengthening academic interest and research in early childhood education.

“Creation of Pre-school education and Out-of-school educational institutions in the non-entrepreneur (non-commercial) legal entity form and approval of their statute; Pre-school education institution business organization according to the Georgian legislation;” According to the Organic Law about the Local Self-government presents the authority of the self-governmental entities.

According to the Article 22 of the same Law, City Council Special Authority is:

“n) Upon submission of the Head of the City Council Pre-school institutions’ business organizing single educational system rule of action and working regime resolution approval;”

According to the Article 161:

Introducing of the payment, tariffs or other fees for the educational service or nutritional services in the territory of Self-governmental entity Public Pre-School educational institutions is prohibited. The single educational system rules of action and working regime resolution upon submission of the Head of City Council provided by the State in Pre-school institutions are approved by the City Council.

3. For satisfying the requirements provided by the State the Children’ Pre-School educational institutions:
 - a) Are established for children of age from 2 to 6 and are staffed in groups, according the age.
 - b) According to the service duration can be 9, 10 or 12-hours, 2 days off, 5 working days per week;
 - c) Must implement educational, art and physical education special programs. The program must be created according to the child development age characteristics for each age group and must be directed to the development of child mental and physical abilities and child’s body functional capabilities’ perfection;
 - d) Must be provided with quality drinking water, also with hot water, heating and ventilation systems;
 - e) Must be provided with children full-fledged and diverse food;
 - f) Must be provided with medical service.”

There is a widespread practice in Georgia, which allows the employed persons not to appear at work for the purpose of emergency family needs, in case of sickness or accident and in the form of verbal agreement the employed person is released from work and the absence hours are justifiable.

Article 27§2

GoG Response

According to the Labour Code at employees’ request, they shall be granted maternity and child care leaves of absence of 730 calendar days, 183 calendar days of maternity and child care leaves of absence shall be paid and 200 calendar days shall be paid in the event of pregnancy complication or multiple births. Employees may apportion leaves of absence under the second paragraph of this article at their discretion for the prenatal and postnatal periods.

At the request of employees having adopted an infant under 12 months, they shall be granted newborn adoption leaves of absence of 550 calendar days from the birth of a child. 90 calendar days of the leave shall be paid. It is not specified to whom of the parents; therefore it may be considered as a paternity leave. Maternity, child care, and newborn adoption leaves of absence shall be paid from the State Budget of Georgia as determined by the legislation of Georgia. Cash allowance for the period of paid maternity or child care leaves of absence, as well as for newborn adoption leaves of absence shall be a maximum of GEL 1000. Employers and employees may agree on extra pays

At the request of the employee s/he is entitled to the leave in the amount of 12 weeks for not less than two weeks a year due to looking after the child until the child is 5 years old. Leave due to looking after the child can be given to anyone actually looking after the child.

The Labour Code stipulates that the employed nursing mother who feeds the infant below one year should be given additional break on the basis of her request, which should not be less than an hour. Break for feeding the child is included in working hours and is therefore remunerated.

Article 27§3

GoG Response

The amendments resulted in a significant improvement of the Labour Code and made it more relevant to the international labour conventions and norms. As for the legal safeguards in place to protect workers from unfair dismissal the Labour Code of Georgia is stipulating the grounds for terminating labour agreements.

Grounds for terminating labour agreements shall be:

- a) economic circumstances, technological, or organisational changes requiring downsizing;
- b) expiration of a labour agreement;
- c) completion of the work under a labour agreement;
- d) voluntary resignation of an employee from a position/work under a written application;
- e) written agreement between parties;
- f) incompatibility of an employee's qualifications or professional skills with the position held/work to be performed by the employee;
- g) gross violation by an employee of his/her obligation under an individual labour agreement or a collective agreement and/or of internal labour regulations;
- h) violation by an employee of his/her obligation under an individual labour agreement or a collective agreement and/or of internal labour regulations, if any of the disciplinary actions under the above individual labour agreement or collective agreement and/or internal labour regulations has already been administered to the employee during the last one year;
- i) long-term disability, unless otherwise provided for by a labour agreement, if a disability period exceeds 40 consecutive calendar days or total disability period exceeds 60 calendar days within six months, and, at the same time, the employee has already used his/her leave of absence under Article 21 of this Law (Duration of leaves);
- j) entry into force of a court judgment or decision precluding from performing the work;
- k) legally effective court decision on declaring a strike illegal under Article 51 (Illegal strike and lockout) of this Law;
- l) death of an employing natural person or of an employee;
- m) initiation of liquidation proceedings for an employing legal person;
- n) Other objective circumstance justifying termination of a labour agreement.

According to the Labour Code terminating labour relations shall be inadmissible:

- a) on the grounds other than those laid down above;
- b) on the grounds of the discrimination;
- c) during the period of maternity and child care leave of absence, newborn adoption leave of absence, and extra child care leave of absence, from notifying the employer by a female employee about her pregnancy, except for the grounds of abovementioned paragraphs (b-e, g, h, j, l);**

- d) due to an employee being called to compulsory military service or military reserve service and/or during an employee's period of compulsory military service or military reserve service, except for the grounds of abovementioned paragraphs (b-e, g, h, j, l);
- e) During the period of being a jury in court, except for the ground of abovementioned paragraphs (b-e, g, h, j, l).

According to the Article 38(8) of the Labour law if employer's decision on terminating the labour agreement is declared void by the court, the employer shall be obliged, under the court decision, to reinstate the person whose labour agreement was terminated, or to provide the person with an equal job or pay compensation as defined by the court.

EUROPEAN SOCIAL CHARTER (revised)

Report (requested) on conclusions 2013 of European Committee of Social Rights
On the implementation of Articles 11§1, 11§2, 11§3 and 14§2, of the revised European Social Charter

Submitted by

The Government of Georgia

CYCLE 2014

Tbilisi

In accordance with Article C of the Revised European Social Charter copies of this report have been communicated to the:

- Georgian Trade Unions Confederation
- Georgian Employers Association

Article 11 – The right to protection of health

With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia:

1. to remove as far as possible the causes of ill-health;
2. to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
3. to prevent as far as possible epidemic, endemic and other diseases.

Information to be submitted

Article 11§1

Conclusion

The Committee concludes that the situation in Georgia is not in conformity with Article 11§1 of the Charter on the grounds that:

- *the measures taken to reduce infant and maternal mortality rates have been insufficient;*
- *it has not been established that there is a public health system providing universal coverage*

GoG Respond

According to official vital statistics (GeoStat), Georgia has substantially reduced under-5 mortality rate from 24.9 in 2000 to 13.0 in 2013 per 1000 live births. Infant mortality rate reduced from 21.1 in 2000 to 11.2 in 2013 per 1000 live births.

1. *Child mortality rate*

Table N1: Under-five mortality rate per 1000 live births, 2008-2012

	2008	2009	2010	2011	2012
Georgia	16.0	15.4	13.4	12.0	12.4

Source: National Center for Disease Control and Public Health

Table N2: Under-five mortality rate per 1000 live births, 2008-2012

	2008	2009	2010	2011	2012
Female	19.0	18.0	14.3	15.8	16.3
Male	18.0	15.0	11.0	11.5	12.4
Both sexes	18.0	16.0	13.0	13.8	14.4

Source: National Statistics office of Georgia

Table N3: Infant mortality rate per 1000 live births, 2008-2012

	2008	2009	2010	2011	2012
Georgia	14.3	14.1	12.0	11.0	10.8

Source: National Center for Disease Control and Public Health

Table N4: Infant mortality rate per 1000 live births, 2008-2012

	2008	2009	2010	2011	2012
Female	17.0	17.0	12.5	13.9	14.1
Male	17.0	13.0	9.8	10.2	10.9
Both sexes	17.0	14.9	11.2	12.1	12.6

Source: National Statistics office of Georgia

Georgia has reduced maternal mortality rate (MMR) by more than half from 49.2 in 2000 to 22.9 in 2013 per 100,000 live births. Proportion of births attended by skilled health personnel, already high at the time of MDG platform adoption was further increased from 97.4% in 2002 to 99.8% in 2012. Coverage with recommended four antenatal care visits among pregnant women has been also on rise and totalled 84.2% in 2013 from lower than 60% baseline in 2001. The MICS 2005 reported 97.4% of pregnant women to have visited antenatal care institutions at least once. The high uptake of four antenatal care visits was confirmed by GERHS survey (98.8% in 2005-2009).

Since 1999 maternal, newborn and child health has been a priority area for the Government of Georgia. At the end of 2013 health authorities have updated National Health System performance assessment and based on these results Ministry of Labour, Health and Social Affairs of Georgia (MoLHSA) is in the process of elaboration of strategic action plan on "Universal healthcare and the quality management for the protection of patients' rights" – 2014-2020. One of the 9 directions of national strategic framework is child and maternal health promotion which includes following activities: elaboration of regionalization plan of perinatal services and identification and implementation of clinical referral criteria; elaboration of regulatory mechanisms of accreditation process in perinatal services and implementation of voluntary accreditation; antenatal, ensuring continuity of antenatal, perinatal and postnatal management and supervision system.

Immunization strategy document identifies reduction of mortality and morbidity rates among children as one of the main priorities which should be achieved through the introduction of new vaccines in the national immunization program.

A high-level conference "Investing in Georgia's Future - A National Agenda for Early Child Survival and Development" was organized in June 2013 by the Government and the Parliament of Georgia, with the support of UNICEF. It has resulted in commitment to prioritize Early Childhood Development within Georgia's Social-Economic Development Strategy – Georgia 2020.

The Parliament of Georgia shared the initiative of the Parliament's Human Rights and Civil Integration Committee and declared the year 2014 as a year of Protection of the Child Rights. Child rights related actions will be incorporated into the overall National Human Rights Action Plan that is currently being developed.

In order to improve maternal, child and reproductive health control, working group was created at the National Center for Disease Control and Public Health in 2011, which studies and analyzes the maternal and child health status on a regular basis and makes recommendations for the efficient response of the state.

Maternal and Child Health Coordinating Council was created by the Order № 01-113/o of May 16, 2013 of the Minister of Labour, Health and Social Affairs of Georgia. Council is represented by all stakeholders for ensuring transparent policy recommendations and promoting planning of maternal and child health activities and improving implementation and monitoring mechanisms.

The Council examines maternal and child morbidity and mortality data and on the bases of evaluation of the capacities of current antenatal, perinatal and postnatal services prepares proposals for defining maternal and child health national policy and priorities of state programs, including development of human resources and quality and capacity building of health service delivery, accessibility and quality improvement of perinatal, neonatal and pediatric services.

USAID supported programmes implemented through John Snow Inc. (JSI) and SUSTAIN projects have facilitated scaling up of evidence-based perinatal care interventions nationwide and ensured training of perinatal care personnel. Both USAID and UNICEF support was critical in assessment of perinatal care facilities countrywide in 2013 and elaboration of the perinatal care regionalization plan for maternity services and newborn care.

USAID SUSTAIN program teamed with Joint Commission International developed the Perinatal Care Accreditation program which aims to ensure continues drive of health care facilities for improving the quality of perinatal care services and contributing to the reduction of maternal and infant morbidity and mortality.

Due to the high proportion (30-35%) of caesarean sections, pilot research of maternity houses was conducted by the financial support of JSI in June, 2013 in Tbilisi. Based on the results of the research, national clinical protocol "Caesarean section" has been developed (Order № 01-220 /o of October, 30, 2013 of the Minister of Labour, Health and Social Affairs of Georgia).

Ministry of Labour, Health and Social Affairs of Georgia with UNFPA support is elaborating Induced Abortion Protocol on the basis of the best international standards of WHO and other international recommendations. The Ministry developed a package of abortion regulating mechanisms that includes the following documents: On amendment to the Law of Georgia on Health Care (related to increase of deliberation period before an abortion to 5 days); „National protocol on safe termination of pregnancy“; „Abortion procedure“ - patient version of the protocol; Draft Order of the Minister of Labour, Health and Social Affairs on "approval of the rules for the artificial termination of pregnancy".

Georgia joined CEDAW Committee on the Elimination of Discrimination against Women without reservations in 1994. The principles of equality, regardless of one's sex, are embedded in Georgia's Constitution and all the other major legislative acts. Moreover, there has been formulated a *State Concept on Gender Equality* (2006), laws against trafficking in human beings and domestic violence (2006) with relevant action plans and last but not least *Gender Equality Law* (2010) and Gender equality Action Plans (2007-2009; 2011-2013) and National Action Plan on Women, Peace, and Security (2012-2015).

Maternal and child health care services are integrated in the state programs to improve mothers, infants and young children's health condition.

Maternal and child health state program aims to reduce maternal and infant mortality rates by efficient patronage of pregnant women and increasing affordability and accessibility of high quality medical care. The program envisages ensuring safe pregnancy and delivery, reduction of transmission of infectious diseases from mother to child and declining child mortality. Besides, within this program antenatal patronage (4 visits) of pregnant women and screening for HIV/AIDS, Hepatitis B and genetic pathologies is conducted. Screening on hypothyreosis, phenylketonuria, hyperphenylalaninemia and mucoviscidosis and hearing examination of newborns and children are provided as well.

Beneficiaries of the State Health Insurance Program are children 0-5 years, children with disabilities 0-18 years, women and children registered in the "Unified Database of Socially Vulnerable Families" with rating score under 70000, children living in boarding schools, children in reintegration or foster care. According to the data of 2013, the total number of state health insurance program beneficiaries is 296741 children under the age of 6 and 95070 children of 6-18 years.

The State Immunization Program aims to protect the population, including the children, from infectious diseases through immunization. The calendar of immunization includes following vaccinations: BCG, HepB, DPT-HepB-Hib, DPT, OPV/IPV, MMR and DT. Rotavirus vaccination was added in 2013 and Pneumococcal vaccination will be included in 2014.

Government supports state programs focused on public health and health needs. Special attention is paid to the children's health on primary health care level. State programs are specifically oriented to the screening of children with development delay of 0-6 age group. Under this program mild and moderate mental development disorders of children are diagnosed and prevention of mental retardation is conducted as well.

On February 28, 2013 the Universal Healthcare Program was launched for the citizens without medical insurance. The first phase of the program ensured citizens with the basic medical package, including primary health care and emergency hospitalization. Since July 1, 2013 the program has been expanded and covered expanded services of primary health care and emergency hospitalization, emergency outpatient care, planned surgeries, treatment of oncological diseases and child delivery.

According to the data of April, 2014, all citizens of Georgia are provided with the basic healthcare, among them, approximately 3.4 million people are included in the Universal Health Care Program, 560 thousand people are beneficiaries of State Health Insurance Program, about 546 thousand people have a private or corporate insurance.

For the first time in its history of country's independence, the government declared the healthcare as a priority field, which has been reflected in almost double amount of funds, allocated for the state healthcare programs: from 365 million GELs in 2012 to 634 million GELs in 2013. Accordingly, the share of state spending on healthcare has increased with respect to the GDP and the state budget: 2.7% of GDP, instead of 1.7% and 9% of budget, instead of 5%.

Despite the improved financial access to medical services, the medication costs remain high and amounts to 35% of the total expenditure on healthcare. Despite the fact that the State Health Insurance Program for 0-5 year-old children, pensioners, persons with obvious disabilities, provide remuneration for medication according to the list of medicines. Certain categories of beneficiaries are also provided with medication costs in the frameworks of the Universal Health Care Program. The Universal Health Care Program also provides the medication cost, necessary for the quite expensive chemotherapy and radiotherapy. Free special medications and food supplements are provided for the population in the frameworks of disease-oriented, so called State "Vertical" Program, e.g. the patients with diabetes, hemophilia, cystic fibrosis, phenylketonuria, Bruton's disease, also the patients with growth hormone deficiency, organ-transplanted, drug addictions, as well as the incurable patients are provided with the quite expensive medical facilities. The referral program pays for the medications for the individual needs of those patients, who do not receive remuneration for the mentioned services from other state programs. From July, 2014, every patient with Hepatitis C will be provided with the necessary medications in 60% less price. Pregnant are provided with folic acid and iron-containing preparations for free.

In September, 2009, as a result of liberation of the Law on Drugs and Pharmaceutical Activities, parallel imports of pharmaceutical products have become available, also registration of those pharmaceutical products, which is produced and/or registered in the European Union and countries of the Organization for Economic Cooperation and Development, USA, Canada, Japan and other countries has been simplified. The access of the pharmaceutical product to the market is ensured through the recognition regime of the state registration or the national regime of the state registration. Pharmaceutical market entry barriers have been removed, the market has become free and competitive for the local and foreign pharmaceutical industry. Only notification regime is valid for the pharmaceutical product, which are registered in Georgian market and enters with a different marking. Access has increased to original brand (13.7%), as well as generic (4%) medications.

From September, 2014, all I group (pharmaceutical products, subject to the special control, also equal means of treatment, in terms of the legal circulation regime) and II group (product, improper usage of which, can cause a significant damage to human health and life and/or which cannot be taken without a doctor's prescription) preparations are issues only with prescription. The fact will reduce unsustainable pharmacotherapy.

Privatization process of the hospital sector was launched by approving the General Hospital Development Plan by the Government of Georgia in 2007. However, the alienation of the most of medical facilities was organized in 2010-2011, when, in 2010, the insurance companies, participating in the health insurance state program were ordered to construct/rehabilitate the hospitals, located in their medical regions. At the end of 2013, approximately 135 medical centers were totally renovated, which included inpatient, outpatient and pre-hospital services and met the international and national standards.

From 2013, the state policy was changed and currently, 37 medical facilities of strategic importance are state-owned, such as children's, infectious diseases and AIV/HIV, tuberculosis, psychiatric health, cancer and other hospitals. 24 of them are located in regions and others in Tbilisi. More than 60 private medical facilities from approximately 200 private hospitals are owned by private insurance companies.

In 2007-2011, with the financial and technical support of donor organizations and in the frameworks of the state program, construction/rehabilitation of new outpatient clinics in villages and training of family doctors and nurses have been carried out. According to the Decision of the Government of Georgia, in 2014, 82 new, modern clinics were constructed and equipped in 59 villages. 50 of them are already completed. Along with the infrastructure improvements, the salary of doctors, working in villages, increased by 30%, procurement of medical documentations and medications are centralized from May, 2014.

Increased number of doctors has been marked since 2005, while the number of nurses is characterized by a downward trend. As for the ratio of nurses and doctors, Georgia is in the last place in Europe with this indicator (0.9). Human resources development system reform has been started, which provides the financial and non-financial incentives for geographical distribution of healthcare professionals. In 2013, a new list of medical specialties and 57 new residential programs were approved.

Issues of the healthcare professionals' education and continuing professional development are regulated with the legislative acts:

- Georgian Law on Public Health Care;
- Georgian Law on Medical Activities;
- Georgian Law on Higher Education.

Medical interventions regarding the change of gender are physically available in Georgia. As for the affordability, the risk is not taken by the private insurance companies due to its high cost (according to the report 19900 GEL). The state does not plan to finance this service at this stage. Especially considering that the EU member countries do not cover hormonal therapy for 80% of the mentioned contingent and surgical interventions for 86% from the state funds. Forced sterilization procedures do not happen in Georgia during the change of gender. The regulation of surgery interventions, related to the change of gender can be considered as a part of permit conditions (requirements for the surgery services), determined by the Resolution N385 of 2010 of the Government of Georgia on approval of the provisions related to the procedures and conditions for issuance the license for the medical activities and permit for the inpatient facilities.

Article 11§2

Conclusion

The Committee concludes that the situation in Georgia is not in conformity with Article 11§2 of the Charter on the grounds that:

- *measures for counseling and screening of pregnant women and children are not adequate;*
- *It has not been established that prevention through screening is used as a contribution to the health of the population.*

GoG Respond

Education and awareness rising

According to the national education plan (standard) for 2011-2016, the issues related to the health and the safety of the school, are foreseen with the program of several subjects. These subjects are the following:

1. Nature study (I-VI classes, including),
2. Biology (on basic and intermediate levels),
3. Chemistry (intermediate level)
4. Social sciences (on basic and intermediate levels),
5. Sports (I-XII classes, including), and
6. Supervising teacher's program.

Nature study:One of the directions of the natural sciences standard from 1st to 6th class, including is “Human being and environment”, which is related to implementation of the elementary rules of the personal hygiene and safe behavior of the student.

According to the subject program in every subsequent class in this direction subsequent rise of knowledge and skills is foreseen. In II and III classes the students study how to live up to the general rules of personal hygiene, and in IV class they start to acquire skills of eating hygiene, to study how the social catering and sales points/trade objects shall comply with the hygiene norms in order to define where the food might be bought. In V class the students are taught the negative factors adversely influencing health state (e.g. polluted environment, unhealthy food, and noise).

Biology: In the contents of the biology program of VIII class the health problems related to the system of all the organs are involved and the related hygiene issues. IX class standard foresees study of global and local changes of the environment related to the human health, and also some significant issues of genetics from the point of view of the medicine. By the program of X class the drugs adverse action on the central nervous system as well as the diseases caused by the tobacco. The student receives the information on nutrition value and energy contents of various alimentary products, significance of balanced ration for

various age groups. According to the program of biology for XI class the topics related to the infectious diseases are foreseen (their spreading, the ways of protection) and immunization issues. The recommendation contents of the manual of this class cover the following issues: health and disease; pathogens –bacteria, fungi, worms; prevention of diseases – safe water and food; individual and total protection from diseases; fight against infections; antibodies and immune reaction; utilization of immunology; serious infectious diseases (AIDS, tuberculosis) and their prevention; spreading of AIDS in the world and in Georgia.

In X-XII classes (except for the obligatory subjects) the student may select and study among many other optional subjects the subject “Medical biology”. According to the standard of this subject the fundamental issues of the modern medicine and biology are foreseen together with their healthcare potential, which needs not only development of treatment and hygiene effective methods but overcoming of the behavioral stereotypes.

Chemistry: Chemistry according to the program of X class the student shall relate to the cleanness of the environment and the alimentary products quality – to the human health: a) description of the expected results of chemical agents acting on human organism, and b) on basis of the inscriptions made on labels, searching for the proper sources and analysis to draw conclusion about contents of the substances in the various alimentary harmful for the human health.

Social Sciences: According to the program of the social sciences for IX class the problems related to the healthy lifestyle are foreseen (e.g. risks related to unhealthy food, tobacco, drug facilities and alcohol consuming), and also providing healthy safe environment and significance for the human/society wellbeing. According standard of the social sciences for X class, the results to be achieved at the end of the year are evident if, e.g. the student analyzes the reasons causing crime of various types (e.g.: robbery, distribution of drugs, murder, corruption, discrimination, fraud, violence, trafficking). According to the program for X class the personal safety issues are foreseen related to the following: a) in emergency situations to utilization of the appropriate collective and individual protection means, and b) to before-doctor assistance (e.g. first aid while bleeding; limb fixing in case of breakage, vertebrae trauma, and polytrauma, bandaging technique, extraneous antibody in wound).

Sport: I-XII classes including physical education and sports standard includes the following directions: health and security. I-V classes foresee study of the elementary rules of the personal hygiene and security. VI class – the student develops the skill for self-protection and providing of other security and avoiding/getting rid of the critical situations. In VII-IX classes the student shall be able to realize the healthy lifestyle as one of the most as one of the most significant condition for achieving of physical and mental health and succeed in the society. In X-XII classes the student may realize the necessity of sports and the healthy lifestyle, as the necessary condition for physical and mental health and therefore successful integration into the society.

Supervising teacher's program: In 2010 the Supervising teacher's program was established, according to which "supervising meetings with the students cover the following: healthy lifestyle – personal hygiene, disease spreading sources, healthy food, time organizing, day regime, sports significance, danger of bad habits.

In 2013, UNICEF undertook a research of water, sanitary and hygienic conditions in public schools, in the frameworks of which the conditions in public schools of Georgia were assessed. The results became the basis for the preparation the draft technical regulations and standards. The work on preparation and agreement of the final version of the approval of the technical regulation is underway, which will be approved by the Resolution of the government on Technical Regulation – water, sanitation and hygiene in schools. Doctors were appointed in every public schools of Georgia from September, 2014.

Councelling and Screening

Restoration and expansion of routine child immunization has been another significant achievement over the last 20 years. The current national immunization schedule includes BCG, Hepatitis B, DPT-HepB-Hib, DPT, OPV/IPV, MMR and DT vaccines. Support from UNICEF and USAID has been significant in funding immunization programme from 1993 through 2006. Vaccine independent initiative has been an important step for the country, when Georgia successfully phased out from UNICEF support in provision of traditional vaccine antigens and maintained self-sufficiency in vaccine and injection supply procurement since 2006. Support from the Global Alliance for Vaccines and Immunization (GAVI) and Vishnevskaya-Rostropovich Foundation (VRF) enabled the country to start MMR vaccination in 2003. GAVI with Technical Support from WHO is also supporting Georgia in introduction of new vaccines, such as Rotavirus from 2013 and Pneumococcal vaccine from 2014.

As noted in section 1, Georgia has attained historic gains in HIV, TB and Malaria response. The country has reached and sustained universal access to ART since 2004, universal access to diagnosis and treatment of TB (including MDR and XDR TB) and is moving forward to Malaria free certification.

Review of the progress in HIV, TB and Malaria response, similar to maternal, neonatal and child health area, reveals that political commitment, resource investment (both domestic and international) and engagement of international partners and civil society organizations in advocacy and technical support has been critical. In addition all three disease components have been guided by a comprehensive strategic planning exercises and coordinated resource mobilization that largely defined success of the programmes.

Political commitment to successful HIV, TB and Malaria responses has been declared in national development plans and health sector strategies since late 1990s. The global and regional political platforms, including the UNGASS HIV/AIDS Declaration, Stop TB Partnership and Roll Back Malaria provided robust overarching framework for action. The latest National Health System performance assessment and the 2014-2020 strategic framework "Universal healthcare and the quality management for the protection of patients' rights" both position the three diseases among 9 strategic priorities.

In addition to political commitment, since 2002 a national coordination body (CCM) has been established to bring together major stakeholders and to guide development of results-based national strategic plans for HIV, TB and Malaria. Comprehensive planning exercise supported by UN Country Team (UNICEF, UNFPA, WHO and UNAIDS) has been a critical contribution for HIV/AIDS strategic planning. UNICEF and WHO support was also significant in Malaria programming and similar exercise was conducted for TB through WHO, MSF and USAID support.

HIV/AIDS prevention and control interventions are implemented through the HIV/AIDS Prevention and Treatment Program, the Safe Blood and Antenatal Care programmes that includes interventions for Prevention of Mother to Child Transmission (PMTCT) of HIV. The State program on HIV/AIDS targets at early detection of HIV through voluntary counseling and testing for high risk groups, TB patients, STI patients, Prisoners, Patients with hepatitis B and C, patients with clinical signs of HIV/AIDS, etc. The state program on HIV/AIDS treatment covers outpatient and inpatient services, including ART. Government has substantially increased its allocation for Opioid Substitution Therapy. Finally the Safe Blood programme envisages mandatory testing of all blood donors on HIV, hepatitis B and C and Syphilis. International experts regard the Georgian model of HIV/AIDS treatment and care as the leading experience among countries of former Soviet Union (FSU). HIV/AIDS treatment and care program is implemented by the Infectious Diseases, AIDS and Clinical Immunology Research Center (National AIDS Center), which along with four (Kutaisi, Batumi, Zugdidi and Sokhumi) affiliated regional facilities provides free medical services through the State HIV programme and the Global Fund supported projects.

Special attention is paid to adherence as an important determinant of treatment success. A program to promote and maintain antiretroviral adherence has been developed that includes patient education, adherence monitoring and counseling. Since 2008 home-based adherence support and monitoring program started countrywide through operation of mobile units.

Georgia is advancing towards eliminating vertical transmission of HIV by ensuring universal access to services for the prevention of mother-to-child transmission (PMTCT) of HIV. These services include HIV testing and prophylactic or therapeutic ART for HIV positive mothers and their newborns. Since 2005 there have been no cases of vertical transmission among babies born to HIV positive women receiving ART treatment or prophylaxis.

Georgia has implemented new laboratory technology for rapid detection of TB and drug resistance, allowing the country to identify 63% of the estimated MDR-TB cases among notifications in 2011.

In the framework of the program of mothers and children the pregnant women antenatal screening is being implemented for AIV-infection, B hepatitis and syphilis, and the confirmatory researches have been implemented among the pregnant women revealed due to the screening. In the framework of the mother and children health program, universally available is antenatal supervising, and the medical care

services for pregnant and birth-givingwomen. According to the same program the pregnant women antenatal screening for AIV- infection, B-hepatitis and syphilis, and the confirmatory research among the pregnant women revealed through the screening is carried out.

The state program for the early revealing of the diseases foresees the early revealing and diagnostics of breast, uterine cervix, colorectal and prostate cancer screening.

Epidemiological safety program carries out the timely detection and prevention of communicable and non-communicable diseases in children and in adults on a primary healthcare level. The mentioned program provides the surveillance of sexually transmitted diseases and HBsAg, antiHBc, antiHCV study of patients with the diseases non-associated viral hepatitis and its risk factors. Surveillance component for nosocomial infections, diarrheal diseases and meningitis and hemorrhagic fever have been launched for two years.

From 2010, fundamental reform of the mental health system started in Georgia, which provides fundamentally different institutional approach to the mental healthcare issue from the traditionally existing practices and covers the following directions:

1. Relevant infrastructural development/arrangement;
2. Supporting the professional development of the medical personnel of mental health – nurses, doctors, also other auxiliary specialists.
3. Provision of acute and emergency treatment in hospitals of general profile;
4. Construction and equipment of shelters for long-term and rehabilitation services;
5. Promotion the development of psychiatric services for children and adults;
6. Strengthening the primary healthcare and increasing the role of doctors and nurses in the mental healthcare field;
7. Development of community-based services – in order to provide geographic and financial access of all patients to the modern outpatient services, before hospitalization and after hospitalization.

The most important news, conducted in the frameworks of the reform is:

- Establishment of acute psychiatric departments in facilities of general profile;
- Arrangement of service centers for the chronic patients, with provision of relevant living conditions and medical services;
- Establishment of child psychiatric inpatient departments;
- Promotion of the development of the community-based mental health, including the crisis intervention and home care service coverage;
- Promotion of the professional development for the mental healthcare professionals and their equipment with the modern textbooks.
- Revision/renovation of the guidelines and protocols.

Establishment of the children's psychiatric hospitals in multi profile clinics are the most noteworthy from here, as the parents of children and adults always refrain from bringing the patients in a psychiatric facility, because of the stigma in society and the living conditions. The children's psychiatric department was equipped with the modern medical and entertainment facilities. Also, a multidisciplinary team was established to provide the children and adults with the relevant medical services. The state concept for mental healthcare for 2014-2024 has been prepared and approved by the Parliament. With the mentioned concept, Georgia undertakes to provide the psychiatric healthcare for the persons with mental disorders in less restrictive environment, as near to the living place as possible or at home, according to the individual needs; maximally protect their rights and their equal, full and effective participation in community life.

Article 11§3

Conclusion:

The Committee concludes that the situation in Georgia is not in conformity with Article 11§3 of the Charter on the ground that it has not been established that adequate measures have been taken to ensure access to safe drinking water in rural areas.

GoG Respond

Tobacco Control Measures

The World Health Organization Framework Convention on Tobacco Control (WHO FCTC) is the first international health treaty negotiated under the auspices of WHO and was adopted in 2003. It has since become one of the most widely and rapidly embraced treaties in the history of the United Nations, with 176 Parties to date. Georgia ratified the WHO FCTC on 14 February 2006 and it entered into force for Georgia on 15 May 2006.

Parliament of Georgia ratified WHO FCTC in 2005, which went into force in May 16, 2006. With this, country took an international responsibility to carry out requirements of the Convention. Only a very few part of the requirements have been carried out so far.

Georgia had adopted legislative and executive measures on tobacco control even before it ratified the Convention. Tobacco control was a part of Consumer Right Protection (1996), Health Protection Law (1996), Law on Advertisement (1998), Presidents Decree on Tobacco Control Measures (2000), and Tobacco Control Law (2003).The current Law on Tobacco Control was passed in 2010, but the main provisions had already been adopted in 2008. The Tobacco Control Law is a major step in implementation of the Convention. It bans smoking in certain public places and all public transport, regulates tobacco products packaging and labeling, sales of tobacco products etc. The Law on Advertisement bans tobacco advertising through cinema, radio, video services and television. However, enforcement of all those provisions remains a challenge and there are a number of provisions that need to be amended to be fully in compliance with the Convention and its guidelines.

On 15 March 2013, the Government of Georgia adopted a decree on the creation of the State Committee on Tobacco Control to strengthen tobacco control in Georgia and, specifically, with a view to ensuring the effective implementation of the country's 2010 Law on Tobacco Control. The Committee is chaired by the Prime Minister, and its deputy chair is the Minister of Labour, Health and Social Affairs. Several sectors of the Government are represented, including the Ministries of Education and Science; Justice; Internal Affairs; Sport and Youth Affairs; Finance; Economy and Sustainable Development; Regional Development and Infrastructure; and Agriculture. Other members of the Committee include members of Parliament, the Patriarchate of Georgia, media consortiums, the Georgian Public Broadcaster and relevant international and nongovernmental organizations. The National Centre for Disease Control and Public Health will serve as the Secretariat of the Committee. Tobacco Control National Strategy and Action Plan 2013 -2018 have been elaborated by the working group of the Committee. The strategy has been approved by the Government of Georgia on July 30, 2013 and the Action Plan on November 29, 2013; this will be followed by the approval of amendments in 5 relevant laws (Administrative Offense Code of Georgia; Tobacco control Law of Georgia; Law on Advertisement of Georgia; Broadcasting Law of Georgia; Tax Code of Georgia) in the nearest future and implementation of the Tobacco Control State Programme according to the national action plan.

Tobacco Control National Action Plan includes measures which are in line with the WHO FCTC and numbers of them are particularly targeting prevention of smoking in youth. Such activities include comprehensive tobacco ban advertisement, promotion and sponsorship, educational campaigns on tobacco and inclusion of tobacco education in secondary and graduate education system, strengthening fining mechanism on violations of selling tobacco to minors or near the educational facilities, awareness raising campaigns in collaboration with Ministry of Sport and Youth, public broadcaster and other relevant agencies; annual raise of tobacco tax, enforcement of partial smoking ban in public places and preparation of total ban after 2015 etc. Implementation of above mentioned activities is planned to be started in the current year as soon as tobacco state program is approved and parliament passes new bills on tobacco control.

Drug abuse

Implemented legislative changes:

1. In the Law of Georgia on Narcotic Drugs, Psychotropic Substances and Precursors, and Narcological Assistance
 - ✓ New definition was added to Article 3 (Definition of Terms) of the Law – Therapeutic agent equated to pharmaceutical product under special control – a pharmaceutical product not included in the list of substances under special control but illegal circulation and abuse of which seriously endangers health of the population, aggravates drug abuse situation in the country;

- ✓ According to Article 5 (Control Regime for substances under special control), Paragraph 4, the Ministry for Labour, Health, and Social Affairs of Georgia shall determine the list of, and legal circulation procedures for therapeutic agents equated to pharmaceutical products under special control. Control regime and legal circulation procedures established for substances under special control included in the Lists shall apply to therapeutic agents on this list, including preparations.
 - ✓ **The law defined the notion of domestic quota** – a limit on certain substances under special control, and on therapeutic agents equated to these substances that are not subject to international control, which is set based on country's annual consumption demand.
 - ✓ **According to Article 9 (Quotas for narcotic drugs, psychotropic substances, and precursors), Paragraph 3**, Ministers for Internal Affairs, and Labour, Health and Social Affairs of Georgia may jointly establish domestic quotas of certain substances under special control that are not subject to international control, and of certain therapeutic agents equated to pharmaceutical products under special control, based on Georgia's annual consumption demand.
 - ✓ The amendments to the list of narcotic drugs have been made. Namely, all combined preparation, containing ACETYLDIHYDROCODEINE, DIHYDROCODEINE, CODEINE, NICODICODIN, NICOCODINE, NORCODEINE, PHOLCODINE, ETHYLMORPHINE were included in the list of narcotic drugs strictly limited for circulation. Also, EPHEDRINE, NOREPHEDRINE, PSEUDOEPHEDRINE, their forms of medications and preparations, containing those substances, was moved to the Psychotropic Substances, List III to Precursors, List III.
2. After approval of the Law of Georgia on New Psychoactive Substances, N1, determined by the Law of Georgia on Narcotic Drugs, Psychotropic Substances and Precursors, and Narcological Assistance has changed too.
 3. The work on action plan for the fight against drugs 2014-2015 has completed.

On June 30, 2013, selling the pharmaceutical products, pertaining to the first and second group to the minors was banned. Pharmaceutical products, containing CODEINE, EPHEDRINE, PSEUDOEPHEDRINE, NOREPHEDRINE, are subject to criminal prosecution. BACLOFEN, GABAPENTIN, combined preparations containing DEXTROMETHORPHAN (except syrups), ZOPICLONE, ZALEPLON, TROPICAMID are moved from II group to I group.

Sanitation

On January 9, 2014 Order N01-4/O on establishment of the working group in order to revision and renovation of sanitary and hygienic normative basis was approved by the Minister of Labour, Health and Social Affairs of Georgia and the main directions of the hygienic norms were determined. Also the inventory of the hygiene normalization and public health laws in force, action plan 2014-2016 for provision of the development the public health sector regulation acts (technical regulations, hygiene norms, standards and others) and draft policy determining documents was implemented.

Government resolutions on Hygiene norms in the technical regulations field:

- a) Resolution N83 of the Government of Georgia of January 16, 2014 on approval of the technical regulation of "Medical radiology diagnostic procedures and radiation protection standards during medical treatment";
- b) Resolution N58 of the Government of Georgia of January 15, 2014 "on approval of the technical regulation of potable water";
- c) Resolution N72 of the Government of Georgia of January 15, 2014 "on approval of the technical regulation of sanitary-hygienic norms of food containers";
- d) Resolution N74 of the Government of Georgia of January 15, 2014 "on approval of the technical regulation of mandatory standards for the operation of the blood transfusion facilities";
- e) Resolution N67 of the Government of Georgia of January 15, 2014 "on approval of the technical regulation of maximum permissible concentrations of fibrogenic, mixed effect aerosols and metals in work zone air.
- f) Resolution N64 of the Government of Georgia of January 15, 2014 "on approval of the technical regulation of sanitary rules for waste collection, storage and treatment from therapeutic and prophylactic facilities";
- g) Resolution N69 of the Government of Georgia of January 15, 2014 "on approval of the technical regulation of hygiene requirements raised against the micro climate of industrial facilities";
- h) Resolution N63 of the Government of Georgia of January 15, 2014 "on approval of the technical regulation for food fortification";
- i) Resolution N77 of the Government of Georgia of January 15, 2014 "on approval of the technical regulation for the sanitary regulations for working with pathogenic biological agents (pathogenic microorganisms)";
- j) Resolution N73 of the Government of Georgia of January 15, 2014 "on approval of the technical regulation for the hygienic assessment of materials, reagents, facilities and technologies, used in water supply system";
- k) Resolution N70 of the Government of Georgia of January 15, 2014 "on approval of the technical regulation for maximum permissible concentration of the content of harmful substances in the air of the working zone";
- l) Resolution N78 of the Government of Georgia of January 15, 2014 "on approval of the technical regulation for sanitary rules and standards of food organization in pre-school institutions";
- m) Resolution N62 of the Government of Georgia of January 15, 2014 "on approval of the technical regulation for the sanitary rules disinfection of potable and industrial water of centralized and local water supply with chlorine and disinfection of water supply facilities";
- n) Resolution N34 of the Government of Georgia of January 15, 2014 "on approval of the technical regulation for the major sanitary rules for working with the radioactive substances and other sources of ionizing radiation";

- o) Resolution N24 of the Government of Georgia of January 15, 2014 “on approval of the technical regulation for the organization and implementation rules for disinfection, disinsection, deratisation and deactivation”;
 - p) Resolution N28 of the Government of Georgia of January 15, 2014 “on approval of the technical regulation for the radiation safety standards in Georgia”;
 - q) Resolution N26 of the Government of Georgia of January 15, 2014 “on approval of the technical regulation for the sanitary rules of water sampling”;
 - r) Resolution N416 of the Government of Georgia of January 31, 2013 “on approval of the technical regulation for the arrangement and exploitation rules and standards of municipal solid waste landfills”;
 - s) Resolution N425 of the Government of Georgia of January 31, 2013 “on approval of the technical regulation for the protection of Georgian surface water from pollution”;
 - t) Resolution N438 of the Government of Georgia of January 31, 2013 “on approval of the technical regulation for the rules and standards for arranging the radioisotope laboratories and usage of open radiopharmaceutical preparations”;
 - u) Resolution N428 of the Government of Georgia of January 31, 2013 “on approval of the technical regulation for the marks and labels to the harmful chemical substances”;
 - v) Resolution N85 of the Government of Georgia of January 16, 2014 “on approval of the regulatory technical standards of some spheres”.
- Resolution N347 of the Government of Georgia of May 13, 2014 “**on approval of the especially dangerous pathogens and biological incident response plan**”
 - Resolution N01-101/O of the Minister of Labour, Health and Social Affairs of Georgia of May 13, 2014 “**on establishment of the coordination council for the development and implementation of the national antimicrobial resistance strategy**”;
 - Work on national antimicrobial resistance strategy is underway, which will be approved in the near future.

Georgian Law on “Traffic Security” defines the legal basis for the security providing of the traffic on the territory of Georgia. With the purpose to prevent and manage the traffic accidents the state program for providing of the traffic security is acting in the country.

Article 14 – The right to benefit from social welfare services

With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:

1. to promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment;
2. To encourage the participation of individuals and voluntary or other organisations in establishment and maintenance of such services.

Information to be submitted

Article 14§2

Conclusion

The Committee concludes that the situation in Georgia is not conformity with Article 14§2 of the Charter on the ground that it has not been established that measures are taken to encourage individuals and voluntary organisations to participate in the establishment and running of social welfare services.

GoG Respond

In order to insure the participation of people with disabilities in the process of the state policy and program development for persons with disabilities, the **Concept Paper on Social Integration of the People with Disabilities**, approved by the Parliament of Georgia on December 2, 2008, stipulates that:

- a. Management, coordination and information exchange among governmental agencies, organizations representing the interests of the disabled persons and other interested parties needs to be improved;
- b. An open dialogue with the disabled persons (and/or their guardians) is needed in order to ensure their participation in decision making; self-organization of the disabled persons, representation of their own interests should be promoted;
- c. Civil monitoring should be introduced in the relevant sphere with an involvement of the people with disabilities; awareness should be raised regarding the possibility to protect their interests and rights.

In addition, according to the Ordinance of the Government of Georgia on Approval of the **National Action Plan for Social Integration of People with Disabilities in 2010-2012**, increased efficiency of government structures, working on problems of people with disabilities and their coordination with civil society organizations was envisaged and for this purpose, enactment of the State Coordination Council, working on the issues of people with disabilities and increase involvement of the local self-government unites in solving the problems, related with the people with disabilities.

According to the abovementioned, with the Decision N231 of the Government of Georgia of December 15, 2009, the State Coordination Council, working on the issues of the people with disabilities has been

established, the Prime Minister of Georgia is head of the council and the members are 10 representatives of the people with disabilities and 10 representatives of various ministries on the level of the ministers or deputy ministers, also 2 representatives of the Parliament of Georgia. The Council is a permanent advisory body to the Government of Georgia in the field of disability, one of the main functions of which is to coordinate the implementation of the unified state policy in the field of disability. Similar councils with the participation of people with disabilities and their representatives also operate in several local government units.

In 2013, “**National Action Plan 2014-2016 for the Equalof Opportunities for the People with Disabilities**” was developed by initiative of the mentioned Coordination Council. One of the main goals of the plan is inclusion of persons with disabilities in decision making. The following is considered to ensure the mentioned:

1. Ensuring the participation of people with disabilities or/and their representative organizations in the development of the strategies, plans, programs and activities for providing of equal opportunities for the people with disabilities.
2. Establishment/enforcement of the councils, working on the issues of people with disabilities at regional and local level with participation of people with disabilities or/and their representative organizations.

According to the abovementioned regulation, the Government of Georgia promotes wide participation of people with disabilities in the development process of the strategies, action plans or programs addressing the needs of people with disabilities. In particular, the Concept Paper on Social Integration of the People with Disabilities, National Action Plan for Social Integration of People with Disabilities in 2010-2012, National Action Plan 2014-2016 of Equalization of Opportunities for the People with Disabilities and annual state programs for people with disabilities are developed by the working groups, which was open to all interested person with disabilities and non-governmental organizations, representing their interests. For instance, 56 non-governmental organizations and more than 300 persons were involved in the development of National Action Plan 2014-2016 of Equalization Opportunities for the People with Disabilities.

In addition people with disabilities and their representative organizations are involved in the process of development of policy, programs and in provision of social welfare services for the people with disabilities.

In order to become a Social Welfare Services provider, it is necessary for an organization to meet certain criteria and be registered at the Ministry of Labour, Health and Social Affairs of Georgia as a provider. Registration criteria and conditions are determined by the decree of the Minister of Labour, Health and Social Affairs of Georgia, which may vary according to the services. The main criterion for the organization to provide services are the proper area and personnel with the required qualification, also meeting the applicable standards.

Compliance of the Social Services providers and those, interested in delivery of services with the standards are implemented by the Monitoring Unit of the Ministry of Labour, Health and Social Affairs of Georgia. After considering the monitoring results the unit provides each organization with the relevant recommendation and determines the timetable for their implementation. The monitors, involved in the monitoring process, are guided by the monitoring tools, developed with participation of the international and local non-government organizations. To ensure the quality of the social services, it is also important that the services for disabled persons are funded through the vouchers. In particular, a person, in need of the services, is given the relevant service voucher on the basis of the conclusion of a social worker and according to the decision of the multidisciplinary board of the Social Service Agency. (Ngo-s and other representatives of society may participate in the discussions of the board) The beneficiary is able to apply to any of the desired service provider.

All 45 organization, registered at the Ministry of Labour, Health and Social Affairs of Georgia, which are the service providers to the persons with disabilities are non-government organizations.

In recent years Georgia promotes development and provision of a wide range of social services, from residential to alternative, community and family based services. The services include: rehabilitation services and aid devices for disabled, day care centers, early intervention programs, community living services. As a result only 5 big residential institutions (branches of the State fund for Protection and Assistance of (Statutory) Victims of Human Trafficking) for persons with disabilities are remaining in functioning, 2 for children with disabilities and 3 for persons with disabilities. Replacement of those facilities with community based services is a challenge for upcoming nearest years.