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## **REVISED EUROPEAN SOCIAL CHARTER**

4th 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 01/10/2005 – 31/12/2009)

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Report registered by the Secretariat on 17 December 2010

**CYCLE 2011**

# **EUROPEAN SOCIAL CHARTER (revised)**

4<sup>th</sup> National Report on the implementation of  
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**The Government of Georgia**  
(Articles 7, 8 (3,4,5), 17 (1), 19, and 27  
for the period 01/10/2005 – 31/12/2009)

**CYCLE 2010**

**Ministry of Labour, Health and Social Affairs of Georgia**

**4<sup>th</sup> report**

**of Georgia for the implementation of Articles 7, 8 (3,4,5), 17 (1), 19 and 27**

**of the European Social Charter (revised)**

**Tbilisi**

For the period **1 October 2005** to **31 December 2009** made by the Government of Georgia (hereafter GoG) 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

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## **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 Article 4 of 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 Labour Code of Georgia, the labor agreement can be concluded with the 14-year-old under-age person only for fulfilling light work, namely: cultural, cognitive, sports or arts related labor activities or advertising activities. 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.

Issue related to the minimum age for admission of employment is fully implemented. Every labour agreement must be in conformity with labour legislation, otherwise labour agreement will be considered as valid. Accordingly, this issue is implemented in practice.

### Article 7§2

#### GoG Response

**Pursuant to the Labour Code, it is prohibited to conclude the labor agreement on heavy, hazardous and harmful works with minor. The Civil Code of Georgia, a minor is a person under the age of 18 years.**

Therefore, 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.

It should be emphasized, that the Minister of Labour, Health and Social Affairs of Georgia adopted Order No. 147/N, 3 May 2007 which provides for a list of heavy, hazardous and harmful works.

### Article 7§3

#### GoG Response

**The Article 4 of the Labour Code of Georgia stipulates that minor's labour is permissible with the agreement of a legitimate representative or the body of the trustee if labour relations do not conflict with the minor's interests, does not cause damage to his/her moral, physical and mental development and does not limit his/her right and ability to obtain education.**

As it was mentioned above, according to the Article 4 of Labour Code of Georgia, the labor agreement can be concluded with the 14-year-old under-age person only for fulfilling light

work, namely: cultural, cognitive, sports or arts related labor activities or advertising activities. 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 labor agreement with the under-age person regarding gambling business, night entertainment establishments, pornographic production, pharmaceutical or toxic substances production, forwarding or selling activities.

## Article 7§4

### 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 6am to 10 pm. Moreover, the Article 4 of the Labour Code of Georgia stipulates that minor's labour is permissible with the agreement of a legitimate representative or the body of the trustee if labour relations do not conflict with the minor's interests, does not cause damage to his/her moral, physical and mental development and does not limit his/her right and ability to obtain education.**

**Accordingly, the activities in which employment or work may be permitted is determined and the number of hours during which such employment or work may be undertaken is defined in permission of minor's legal representative, tutor and guardianship bodies.**

Accordingly, working hours of under-18 years-age person shall be limited in such a way, which does not contradict the development and education of minor.

It should be emphasized, that the level of school involvement is rather high. High level of school involvement of children reduces possibility of employment of children and young persons on the streets. For further strengthening educational system and school involvement of children, from 2005 to 2008 financing of education has increased in parallel with the educational system reform. Financing of the general, as well as the primary education has increased considerably.

Primary education is a part of the general education in Georgia and the learning process takes place in a single educational institution. In 2008, expenditure on general education was GEL 462.6 mln. This figure is a double of the 2004 one. The process is still continuing – in 2008-2009 the public expenditures increased by 23.1% for General education, and by 20.9% for Primary education. In 2008, expenditures on school activities totaled GEL 300.6 mln.,



that is twice as much as in 2005. The financing of the primary education increased at the same rate.

Major state programs in the education sphere are aimed at the renovation and rehabilitation of the education infrastructure. In 2009, under the Presidential program 'Public Schools Rehabilitation', intensive rehabilitation activities have been carried out for the public school buildings (more than 300 public schools renovated).

Another Presidential Program in the education sphere is the 'Deer Leap', which ensures the IT support of public schools. Under this program, 446 public schools are equipped with computers and relevant electronics and software.

In order to assist the development of primary education in Georgia and make it accessible for children from the families below the poverty line, relevant funds have been allocated to the Ministry of Education and Science of Georgia to undertake the new '**State Assistance Program for the First Year Pupils from the Families below the Poverty Line**'. In the framework of this program, for 2009-2010 academic years, the Ministry provided the one-time assistance for covering the costs related to the study process to the families below the poverty line, with the 1<sup>st</sup> year school-children.

## 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 is 20 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, the form of labor remuneration shall be defined based on a labor contract". The norms of the present article shall be applied unless otherwise specified in the labor contract. The amount and form of labor remuneration shall be determined in advance by agreement between the employer and the employee. Labor remuneration shall be given out once a month at the workplace. For each day of delay in any kind of remuneration or settlement, an employer shall pay an employee 0.07% of the delayed amount.

The average salaries are permanently growing during the last 6 years. In 2007 it grew by 16% as compared to 2006 and reached GEL 320 (USD 229). In 2008 it grew by 45% as compared to 2007.

## Article 7§6

### GoG Response

According to the Georgian legislation the time spent by young persons in 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

**Pursuant to the Labour Code, the employee is entitled to use annual paid leave - not less than 24 working days.** Accordingly, a minimum of four weeks' annual holiday with pay for employed persons of under 18 years of age is guaranteed by Georgian labour legislation.

Issue related to the minimum age for admission of employment regarding dangerous and unhealthy works is fully implemented. Every labour agreement must be in conformity with labour legislation, otherwise labour agreement will be considered as valid. Accordingly, this issue is implemented in practice.

## 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 6am 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. A 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.

## 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, labor activity of the minor emerges with the agreement of a legitimate representative or the body of the trustee if labor 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)

## 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

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.**

#### 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 6am 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.**

#### 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.**

## 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

According to Georgian legislation, **all cases of illegal exaction of forced or compulsory labour are considered as trafficking. Accordingly, sanctions envisaged in Articles 143<sub>1</sub> and 143<sub>2</sub> of Criminal Code of Georgia are applied to all kinds of forced or compulsory labour.**

According to the article 143<sup>1</sup> of Criminal Code, buying or selling human or subjecting him/her to other forms of illegal deals, as well as, by use of threat, coercion or other forms of coercion, stealing, blackmail against him/her, by deception of human, by use of his/her vulnerable situation or abuse of power, enticing, conveying, hiding, hiring, transporting, handing over, harboring or **receiving a human for the purpose of exploitation**, is punishable by the deprivation of liberty **from 7 to 12 years**, with deprivation of the right to occupy certain position or practice a profession for **1 year**.

According to the note of Articles 143<sub>1</sub> and 143<sub>2</sub> of Criminal Code, for the purposes of Articles 143<sup>1</sup> and 143<sup>2</sup>, (a) exploit of humans by the aim of forced labor or service, (b) engaging them in criminal or anti-society activities or prostitution, sexual exploitation or to provide other kind of service, (c) putting the persons in slavery-like conditions or conditions of contemporary slavery, (d) also forcing humans to use their organs or parts of organs are considered as **exploitation**.

According to the Law on Fighting against Trading with Persons (Trafficking) of Georgia, human trafficking is a crime defined by Articles 143<sup>1</sup> and 143<sup>2</sup> of the Criminal Code of Georgia.

According to the Law on Fighting against Trading with Persons (Trafficking) of Georgia, **exploitation means:** (a) **use of a person for forced labour or service**, (b) involvement of a person in criminal or other anti-societal conduct, (c) putting a person in slavery-like conditions or conditions of contemporary slavery, (d) sexual exploitation or (e) exaction to provide other type of services, (f) as well as use of a person for transplantation of his/her organ, part of organ or tissue, or (g) use of a person for other purposes;

Law on Fighting against Trading with Persons (Trafficking) of Georgia stipulates **forced labour** as any work or service received by means of physical or mental exaction of a person by use of threat or blackmail against him/her or by use of his/her vulnerable situation; Accordingly, pursuant to the Georgian legislation, trafficking in persons includes any kind of forced labour.

According to the Law on Fighting against Trading with Persons (Trafficking), **sexual exploitation** is defined as involvement of a person in prostitution, other sexual services or production of pornographic material by use of threat, violence, exaction or blackmail against him/her or by use of his/her vulnerable situation, by abuse of power, or by provision of false information on the nature and conditions of work;

It should be mentioned, that according to the Law on Fighting against Trading with Persons (Trafficking), **putting a person in contemporary conditions of slavery** is defined as (a) deprivation of a person of his/her identity documents, (b) limitation to the person of his/her right to free movement, (c) prohibition to the person of communication with his family, including written correspondence and telephone contacts, (d) cultural isolation of a person, (e) exaction of a person to work in degrading conditions and/or without any compensation or with inadequate compensation.

It is noteworthy, consent of the victim of human trafficking to his/her deliberate exploitation is also deemed as illegal and it is punishable the same way. Legal person committing a crime envisaged in the articles 143<sup>1</sup> and 143<sup>2</sup> shall be deprived of a right to carry business or be liquidated and fined.

**Accordingly, sanctions envisaged in articles 143<sup>1</sup> and 143<sup>2</sup> of Criminal Code are applied for all cases of illegal exaction of forced or compulsory labour.**

According to the Criminal Code of Georgia, production or/and keeping of a pornographic work containing the image of a minor as well as offering, transfer, dissemination, sale, promotion of or making otherwise available such material – shall be punishable by fine or by corrective labour for up to three years in length or by imprisonment similar in length.

According to the note of Criminal Code in this regard, a pornographic work containing the image of a minor shall mean the visual or audio material made by any method presenting by different means the participation of a particular minor in real or simulated sexual scenes, using his/her voice or depicting the minor's genitalia for sexual satisfaction of the user.



It should be emphasized, that involvement of a minor in illegal production of a pornographic work or other item of pornographic nature or in dissemination, promotion or sale of such material,- shall be punishable by imprisonment from 2 to 5 years. For the action stipulated by this article a legal entity is punished by fine, with deprivation of the right to engage in a particular activity or by liquidation and fine.

The Criminal Code of Georgia envisages article on involving minor into anti-public activity in the following manner:

- “1. Persuading a minor into begging or any other anti-public activity - shall be punishable by social work from one hundred seventy to two hundred forty hours or corrective work for up to two years in length or by imprisonment for up to two years in length.
2. Involving a minor into abuse of toxic or any other medical substances - shall be punishable by restriction of freedom for up to three years in length or by imprisonment for up to three years in length.
3. Involving a minor in prostitution with threat of violence or deception, or without violence, - shall be punishable by imprisonment from two to five years in length.”

The Government of Georgia is dynamically undertaking measures combat trafficking in human beings in Georgia. Due to the measures taken in line with the requirements of the well known “three Ps” - **Prevention, Protection and Prosecution** of the crime, as early as in 2007, Georgia obtained Tier 1 Placement in the United States Department of State’s annual Trafficking in Persons Report. Georgia remains Tier 1 Country in 2010 as well. The efforts leading to this success included, *inter alia*, actions directed at protection of child victims of trafficking as well.

As for the Georgian Permanent Interagency Coordination Council for Carrying out Measures Against Trafficking in Persons (*hereinafter – the Coordination Council*), it coordinates a wide range of activities and programs throughout Georgia dedicated to the protection and rehabilitation of victims of trafficking, including in case of such need, child victims of trafficking in persons. Proactive measures are undertaken in line with the well established “three Ps” to prevent trafficking in persons, effectively protect victims and prosecute the offenders. The activities implemented by the Coordination Council to that end include:

- a) **Creation of Appropriate Legal Basis**, introducing amendments to the criminal, administrative and civil legislation, to the Law of Georgia on the Status of Foreigners in Georgia, as well as the adoption of the Law on Combating Trafficking in Persons and drafting of the National Action Plan to fight trafficking in persons;
- b) **Advancement of Institutional Capacity**, including creation of the State Fund for Protection and Assistance to Victims of Trafficking in Persons (*hereinafter – the State Fund*) and establishment of the shelters for victims of trafficking, including children;
- c) **Provision of TIP Victim Protection**, including enactment of the System provided by the Law via the National Referral Mechanism, elaboration of Programs of Assistance and Reintegration of Victims of Trafficking, including children and granting compensation to

them, as well as provision of safe return of victims of the trafficking, including children, to the countries of their origin;

d) **Arranging 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.

On January 20, 2009 by the Decree of the President of Georgia №46, 2009-2010 Action Plan on the Fight against Trafficking has been adopted. Document was elaborated through cooperation of international and non-governmental organizations, specialized in fight against trafficking. Action Plan is based on the principle of “three Ps” and underlines the necessity in prevention and prosecution of mentioned crime and protection of witnesses. Moreover, document envisages clear monitoring system, where each state agency is obliged to report (once in 3 months) to the Permanent Interagency Coordination Council on the measures undertaken for the implementation of action plan.

Action Plan envisages various important measures to be taken for the fight against trafficking in minors and prevention of the said crime. In particular:

- Raising Awareness of minors regarding the risk of trafficking through educational programs in public schools.
- Based on the existing needs, research on trafficking in minors, particularly looking at the reasons of trafficking.
- Trainings law-enforcement officials on trafficking in minors;
- Training for lawyers/attorneys on the protection of victims of trafficking in minor.

The successful implementation of the Action Plan is ensured through active cooperation of state agencies, NGOs and international organizations.

As for the assistance to child victims of trafficking and for their reintegration, the main Georgian state body providing protection and rehabilitation for the victims of trafficking is a specially created State Fund. Establishment of the State Fund was envisaged by the Law on Combating Trafficking in Persons. The Fund was set up within the Ministry of Labour, Health and Social Affairs in summer, 2006. The State Fund, as the state body coordinating assistance/protection and rehabilitation activities for victims of trafficking, receives permanent funding from the Georgian State Budget. Ministry of Education and Science runs number of programs directed at the protection of both – child victims of trafficking. There are budgetary lump sums available at the Fund that can be used in emergency situations on *ad hoc* basis when the necessity arises and respond to different needs of the child victims of trafficking.

State-run activities, programs and facilities are legally supported by a number of documents, including:

- Law of Georgia on Combating Trafficking in Persons (of April 28, 2006);
- Regulation of The State Fund for Protection and Assistance to Victims of Trafficking in Persons (approved by the President of Georgia on July 18, 2006);

- Regulation of the Permanent Interagency Coordination Council for Carrying out Measures Against Trafficking in Persons (approved by the President of Georgia on September 1, 2006);
- The National Action Plan on the Fight against Trafficking in Persons;
- Standards and requirements for the arrangement of a Service Institution for the Victims of Trafficking in Persons (Shelter) and its model Statute, approved by the Coordination Council on the basis of the Law Against Trafficking in Persons;
- Operational Instruction for the Protection of Victims of Trafficking in Persons (National Referral Mechanism), approved by the Coordination Council on the basis of the Law Against Trafficking in Persons;
- Rules of granting compensation by the Fund, approved by the Coordination Council on the basis of the Law against Trafficking in Persons;
- The Strategy for Rehabilitation and Reintegration into society of the victims of Trafficking in Persons, approved by the Coordination Council on July 19, 2007.

The Ministry of Labour, Health and Social Affairs along with the Ministry of Education and Science, are the main state institutions in charge of specific programs and facilities focusing on the protection of victims of trafficking, including children (anyone under 18) victims of trafficking and sexual exploitation. The Ministry of Education and Science is a central body for guardianship and care of children, whereas the Ministry of Labour, Health and Social Affairs is well positioned to provide a wide range of protection and health care services to any victim of trafficking, including children. Thus, both ministries are fully capable to provide appropriate care and protection of the child victims of trafficking, taking into account all the peculiarities related to child care.

In order to ensure protection and rehabilitation of possible child victims of trafficking, activities of the Georgian Prosecution Service, Ministry of Internal Affairs, Ministry of Labour, Health and Social Affairs, Ministry of Education and Science and the Ministry of Foreign Affairs are very closely coordinated. Coordination of anti-trafficking activities and cooperation of governmental and non-governmental actors is specifically regulated by the National Referral Mechanism.

As it was mentioned above, the State Fund provides protection services to individuals falling within its mandate. It guides the process of rehabilitation and reintegration of victims of trafficking in persons on behalf of the State. As per the specific programs and activities with regard to the child victims of trafficking, they will be planned with the assistance of a social worker for any victim concerned.

More specifically: the process of rehabilitation and social reintegration of the victims of trafficking in persons shall be carried out on the basis of individual plans for the victims, by the following actors: a) The State Fund for Protection and Assistance to Victims of Trafficking in Persons; b) Local Non-Governmental organization; c) International organization; d) Social worker.

The State Fund regulates daily life of victims through the Model Internal Regulation for Shelters. Children's daily life is regulated by the internal regulation of the Institution which provides child care. NGOs, who work with the broader range of child victims of other types of violence, provide academic programs and different extra-curriculum activities.

The State Fund provides full psychological and medical assistance to any victim of trafficking falling under care of the State Fund. For that reason, the State Fund employs specially trained psychologists. Psychologists are stationed in the shelters and supports victims in overcoming the stress. Child victims will receive the same assistance, if they are referred to the State Fund. Special treatment and programs will be applied to individual child victims of trafficking, if they appear within the Fund's care.

The Ministry of Education and Science provides assistance via specially trained psychologists through different programs of assistance to children at risk and victims of domestic violence.

It shall be underlined that anyone in contact with a victim of trafficking is obliged to keep the entire identification-related data secret, since the principle of confidentiality of the identification data of victims of human trafficking is one of the principles of the Georgian anti-trafficking legislation.

The following services are available to any child victim of trafficking: shelter, free legal aid, free medical and psychological counseling and treatment, telephone hot-line services, granting compensation, integration and rehabilitation activities.

The Ministry of Justice of Georgia, including Office of the Chief Prosecutor of Georgia maintains hot line for reporting on any human rights abuses including trafficking cases. Information on the hot line as well as anti-trafficking banner is available on the website of the Ministry of Justice of Georgia.

**Arranging a temporary housing (shelter) for victims of trafficking is one of the key functions for the State Fund. The purpose of arranging shelters is to protect the rights and interests of victims of trafficking, provide age-appropriate assistance, rehabilitation and reintegrate into families and society.**

Shelters are structural units of the State Fund. However, the Law on Fighting against Trafficking in Persons provides that any natural or legal person is entitled to establish a shelter in a form of a private non-profit legal entity, provided that a shelter meets the standards established by the Georgian legislation. Therefore, any non-governmental organization upon a will could establish a shelter for victims of trafficking subject to reservation regarding general standards, which are rather of technical character and are aimed at granting equal treatment and assistance to all victims of trafficking (standards are mainly made in relation to quality of services, nutrition and social care).

The first state-funded shelter for victims of trafficking in persons started operation in summer of 2006. The shelter is located in West Georgia. The second state-sponsored shelter was opened in September, 2007 and is primarily covering east part of Georgia. Thus, the existing shelters are located in such a way as to be easily reachable from different points of Georgia and fully cover all regions of the country. **The shelters can accommodate both – children and adult victims of trafficking in persons.**

**Children of trafficked parents can also be accommodated in a shelter.** One of the functioning shelters accommodates children of trafficked parents. These are children who could not be separated from a parent. In case there is any child victim of trafficking in need of assistance of the Fund/shelter, the Fund is well positioned to take care of such a child victim of trafficking.

A shelter functions on the basis of Internal Regulations that are to be followed both by the victims and the staff. It provides:

- a. Secure place of residence with decent living conditions;
- b. Age-appropriate food and clothes;
- c. Full medical aid, including hospital treatments and surgeries, if needed;
- d. Psychological counseling;
- e. Legal aid and court representation (provision of assistance of a lawyer in case of necessity including filing complaints, appearing in court proceedings as a witness, requesting asylum, obtaining documents for voluntary repatriation to the country of origin).
- f. Provision of information in a language a victim understands;
- g. Participation in the long-term and short-term age-appropriate recreational activities and programs of rehabilitation and reintegration. These include age-appropriate education programs, professional skills-gaining and support in finding employment, when relevant.

A victim shall be placed in a shelter on the basis of an individual's consent, taking into account the age, sex and other special requirements. Placement of a victim of trafficking in a shelter is not dependent on whether he/she cooperates with the law enforcement authorities in the proceedings into the crime in question. When entering the shelter, a victim undergoes medical examination.

The period of stay in the shelter shall be 3 months. Extension of the term is possible. A victim may leave the shelter voluntarily before the term expires.

The Standards and Requirements for the Arrangement of a Service Institution for the Victims of Trafficking in Persons (Shelter) are adopted by the Georgian Permanent Interagency Coordination Council for Carrying out Measures against Trafficking in Persons.

The standards, which are obligatory for any shelter for trafficking victims in Georgia, are as follows: a shelter shall necessarily have: a reception area (desirable with the sanitary inspection point), medical examination unit with the isolator, accommodation rooms (bed rooms, living rooms), washing and disinfecting facilities, kitchen, dining room, rooms for extra-curriculum activities and rehabilitation, administrative and storage facilities, etc.

1. Territory around a shelter shall be duly lightened, well-equipped, in green cover.
2. There shall be appropriate fence around the shelter premises and relevant safety measures shall be undertaken. Shelter shall only be entered through a security point stationed outside the shelter premises.
3. A security point shall be organized with the permanent presence of the security guards protecting the territory and premises of shelter 24 hours during 7 days a week.
4. Reception shall be located next to/nearby the security point. The reception shall include:

- a) A hall with a cloak room and a temporary storage of the personal belongings of the victims;
- b) A sanitary point;
- c) A room for staff on duty;
- d) A facility for possibility of changing clothes of those entering the shelter, whenever needed.

A shelter shall be constructed in accordance with the natural and climate conditions of the territory where it is located. It shall be provided with the appropriate water pipes, sewerage system, heating/air-conditioning systems, energy supply, and any other engineering communications, as needed. Living space of a shelter shall provide decent and secure living conditions and shall have a capacity of isolating persons or a group of persons if health conditions so require.

Each bedroom of a shelter shall accommodate no more than 2 victims of the same sex. There shall be bedrooms for families as well. Space of rooms for parents and children (3-4 persons) shall be no less than 15-20 square meters. Bedrooms shall be isolated from each other and any other rooms. In arranging the shelter standards established for children shall be followed. Living space includes rest and recreational facilities for children.

Washing facilities shall be placed together with the disinfection camera, and both shall be isolated from the living space. Washing facility shall be equipped with the relevant water supplies, sewerage system and washing machines. Before washing, linen shall be disinfected, as provided by the regulations of the Ministry of Labor, Health and Social Protection of Georgia. Facility for drying and ironing shall be placed along with the washing and disinfecting facility.

Kitchen and dining room shall be located separately, and shall be equipped and maintained according to the state-established sanitary standards. They shall be equipped with all the relevant crockery, kept according to the sanitary requirements. Kitchen shall be equipped with fridges and other kitchen-ware. Food shall be served in accordance with the regulations of the Ministry of Labour, Health and Social Affairs.

**Administrator/Director shall be responsible for administration of the shelter, and can have the following staff members: lawyers, psychologists, social workers, doctors and nurses. A doctor, certified as "a family doctor" shall be in a shelter.**

Technical personnel of the shelter shall be identified by the shelter administration. The staff of the shelter should have undergone a special training with regard to trafficking in persons or have experience of working with the similar group of people.

Victims of trafficking are provided with the age-appropriate clothes and all necessary food, as established by the National Referral Mechanism and the relevant regulations of the Ministry of Labor, Health and Social Affairs.

Victims of human trafficking receive free medical assistance and treatment from the Ministry of Labor, Health and Social Affairs of Georgia via existing medical and social programs. This

assistance is equally applicable to any trafficking victim, despite their age. Age specificities are obviously taken into consideration during treatment.

Fund employs specially trained psychologists who support victims of trafficking in persons and assist them in rehabilitation.

It should be emphasized, that the State Fund provides full free legal aid to victims of trafficking including court representation in civil cases, when claiming compensation from established traffickers.

Apart from services provided within a Shelter, a victim of trafficking, who has been granted the status of victim of trafficking by the relevant Georgian state body and who suffered moral, property and material damage from the crime of human trafficking, is entitled to compensation from the State Fund. The compensation in the amount of 1,000 GEL (around USD 600) will be granted to a victim. Paying compensation is not dependent on the cooperation of a victim with the law-enforcement authorities. If the trafficker is arrested, the fact that the victim received compensation from the State Fund does not prevent him/her to claim material, moral and property damage from the trafficker.

**It should be emphasized, measures and achievements of the Police in the filed of protection of minors from participation in crimes and prevention of worst forms of child labour.** Ministry of Internal Affairs has a systemic approach to the referred issue and implements active work in several directions. This includes: 1. improvement of qualification of police workers in dealing with the minors, 2. implementation of the measures/projects aimed at crime prevention and prevention of worst forms of child labor, 3. implementation of instruments aimed at child protection in cooperation with state bodies and international organizations with the relevant competencies.

## **1. Qualification of the Policemen**

For combating minor crime, it is necessary for the policemen to be equipped with the corresponding qualification and skills. Main educational institution of the MIA – Police Academy ensures improvement of qualification of the policemen through delivering fundamental as well as specialized courses.

Considering that during implementation of the work activities, inspectors, detectives and patrol policemen have the most frequent contacts with the minors, the fundamental course of the Police Academy of the MIA envisages detailed study of the process of interrogating a minor as regulated by the Criminal Procedure Code of Georgia, acquaintance with the essentials of the Convention on Children's Rights and review of the local legislation.

According to the changes entered into the Criminal Code of Georgia, from July 1 2008 competence to investigate minor cases is assigned only to those investigators, who have undertaken a corresponding course: pedagogy-psychology. With the support of the Ministry of Education and Science, MIA implemented certification of the policemen working with the juveniles. Up to date 957 policemen have been re-specialized. Referred trainings are continuous.

## **2. Measures/Projects aimed at Prevention of Crime**

As it has been indicated in the previous report, preventive functions are distributed within various sub-divisions of the MIA. The MIA shall allocate sufficient human and material resources to ensure implementation of preventive works by police workers under their competencies. One of the examples of the referred is the work implemented by the district inspectors with the minors with anti-social behavior.

Due to the nature of their activities, district inspectors are in daily contact with the population settled throughout Georgia. They have information on minors, who in the areas of their coverage are singled out for unsocial behavior, and they implement individual preventive work with them. Inspectors regularly converse with difficult children on various relevant topics, increase their awareness about adverse consequences of harmful habits and constantly control their attendance at school classes.

As it is manifested from the analysis of the information received from the sub-divisions of the MIA, as a result of implementation of intensive targeted didactic work by 1238 workers of MIA with 1448 minors in all regions of Georgia from March to June of 2009, 185 children were fully corrected, 1126 were put on the way of correction. Work with majority of them continues.

In March 2009, 48 workers of the MIA undertook trainings on the topic Minor and the Law, Minor and Harmful Habits at the Police Academy of MIA and from April 8 to June 1 in 185 schools of Georgia 520 lectures were held on the referred topics in two stages. Lectures triggered interest of the students which continued into an interactive Q&A session even after completion of the lectures. Students were mostly interested to learn about the rights and obligations of the minors, methods of combating crime, administrative violations, adverse effect of gambling and rights of the persons after serving the punishment.

## **3. Joint Projects/Cooperation**

MIA is in close cooperation with the local governmental, non-governmental and international organizations. Through trainings offered by various organizations, innovations are effectively implemented and applied in this area. In this regard, project Harmony which was implemented in 2009 should be underlined.

Within the scope of the project, with assistance of US Department of State, international organization PH International issued a manual Legal Culture for the legal education program of Georgia designed for the students of 9<sup>th</sup> grade. Manual was developed jointly by the workers of the Ministry of Education and the MIA. Manual covers issues such as minor and the law, harmful habits and their consequences, cooperation and negligence etc.

Within the scope of legal education program 9<sup>th</sup> grade students of 40 high schools covered the manual on the classes of civil education in 2009-10, which together with the teachers of civil education were led by the representatives of the law enforcement bodies engaged in the legal education program. Project turned out so successful, that it is planned to continue it



from 2010, which implies extending the scope of the manual on *Legal Culture*, covering more schools and engagement of more teachers and workers of police in the educational process.

During 2009, MIA, together with other governmental and nongovernmental organizations was involved in the creation of the system of child protection reporting, which aimed at organization and implementation of the system of reporting facts of child abuse/denial. Reporting system involved various areas, where minors come across: schools, kindergartens, day care centers, medical institutions and other. System involved coordinated action on the part of the police and representatives of other relevant institutions (social workers, teachers and other) for any case of child abuse. On first stage reporting (referral) system was piloted in 8 regions of Georgia.

As a result of 1 year cooperation, procedures of reporting (referral) system for protection of children were elaborated and approved on May 31, 2010 by 3 ministers (education, healthcare, internal affairs). Procedures define the rules of coordinated work by the institutions involved in protection of children from abuse, mechanisms of effective and immediate response to the cases of child abuse.

According to the 2009-10 action plan for combating human trading (trafficking), on August 7, 2009 the MIA of Georgia and representation of international organization World Vision International in Georgia signed a Memorandum of Cooperation based on which it was agreed to cooperate within the framework of the project – Protection of the Rights of Child Victims of Trafficking in Georgia. In relation to the MIA the project aimed at the conduct of trainings for the corresponding workers of the division of combating trafficking and illegal migration of special operative department on the issues of child trafficking. As a result of the project training was undertaken by 15 workers of the Ministry of Internal Affairs.

In the first half of 2010 there was no investigation initiated on trafficking in minors. In 2009, 24 cases of trafficking in minors were initiated. Court decision was taken on 21 cases against 33 individuals. 2 cases of labor exploitation were revealed.

In 2008, investigations on 14 cases of trafficking in persons were initiated, among them 2 cases on trafficking in minors. 8 of the 14 cases involved trafficking for sexual exploitation. 10 cases resulted in convictions. Average sentence was 14-15 years imprisonment.

There were no cases of trafficking in minors for the purposes of sexual exploitation revealed during the reporting period.

In November 2009, 17 year old person – G.D. was recognized as victim of trafficking (labour exploitation). G.D. was placed in shelter on November 5, 2009. She remains in the shelter at this moment. State Fund for Protection and Assistance to Victims of Trafficking in Persons provides G.D. with psychological and legal assistance. Rehabilitation and integration program is also carried out. As the investigation is ongoing, no one has been prosecuted/convicted for this crime.

Based on 2009-2010 data, total number of public and private schools in Georgia equals to 2 462. As for their geographical distribution, it should be mentioned that approximately 40 schools are allocated in each local municipality.

A number of pupils equals to 643 299 from which:

- 597 820 pupils are in public schools,
- 45 479 pupils – in private schools.

It should be mentioned, that average class sizes equals to 21 pupils. As for the ratio teacher per pupil, it makes the following picture 1 teacher – 8 pupils.

It should be emphasized, that Ministry of Education and Science implements project “Development of Inclusive Education in 9 Regional Public Schools”. The aim of the project is development/introduction of inclusive education in 9 regional public schools and creation of sustainable system supporting future development of inclusive education. To achieve the goal, it was decided to create supporting environment of SEN children education. Equipment of the resource rooms in ten targeted schools will contribute to enrollment of SEN children into schools together with their peers and to provision of quality education. In particular, the resource-room will be used for individual teaching of SEN children, for team meetings and development of supporting materials. It will also serve as the resource for the whole school too.

## **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 favourable 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 favourable 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 favourable 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.

### **Article 19§3**

#### **GoG Response**

GoG started working on 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**

Law on Legal Status of Foreigners of Georgia 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 Labour Code, any form of discrimination including against race, colour of skin, language, ethnic or social status, nationality, origin, property and rank condition, place of residence, age, sex, sexual orientation, limited abilities, belonging to religious or any union, family status, political or any other views is prohibited in labor relations.

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.

### **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.

## **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.

## **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.

## **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 stay 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.

#### **Article 19§9**

##### **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.

#### **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 programs to promote the teaching of the migrant worker's mother tongue to the migrant workers in Georgia, because the concentrated migrants of the language-group do not exist, other than English-speakers. 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.

## **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**

The employee receives leave due to pregnancy, child delivery and looking after the child. Leave due to pregnancy, child delivery and looking after the child can be distributed by the employee for the period after pregnancy and child delivery.

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.

#### **Article 27§2**

##### **GoG Response**

**The Labour Code envisages possibility of obtaining the additional leave due to looking after the child.** 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**

According to the Labour Code, the grounds for temporary suspension of labour relations, inter alia, can be 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.