



31/10/2018

RAP/RCha/GEO/12(2019)

EUROPEAN SOCIAL CHARTER

12th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF GEORGIA

Article 7, 8, 16, 17, 19 and 27

for the period 01/01/2014 - 31/12/2017

Report registered by the Secretariat on

31 October 2018

CYCLE 2019

EUROPEAN SOCIAL CHARTER (REVISED)

Strasbourg, 3.V.1996

Georgia

Report 2018

On the implementation of the Articles:

Article 7. Right of children and young persons to protection

Article 8. Right of employed women to protection of maternity

Article 16. The right of the family to social, legal and economic protection

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

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

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

Article 7. Right of children and young persons to protection

Paragraph 1. Prohibition of employment under the age of 15

GoG response:

Organic law of Georgia “Georgian Labour Code” 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 labour relations contradict minors’ interests, prejudice their moral, physical and mental development, and limit their right and opportunity to acquire compulsory primary and basic education. The consent of legal representative or a custody/guardianship authority shall remain in full force in connection with any further similar labour relations as well (article 4(2)).

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 (article 4 (3)).

Pursuant to the Article 4 (4) of the Labour Code, it is prohibited to make a labour agreement with a minor relating to any performance of work in the business of gambling, nightclubs,

preparation, transportation and sale of erotic and pornographic products and/or pharmaceutical and toxic substances.

In 2013, Amendments to the “Georgian Labour Code” were introduced. Article 14 regulates working hours. Amendments to the mentioned article set restrictions on the volume of working hours of minors. The article determines that the duration of the working time of a minor between the ages of 16 and 18 shall not exceed 36 hours a week, and the duration of the working time of a minor between the ages of 14 and 16 shall not exceed 24 hours a week (article 14 (3,4)).

It is important to mention that In 2015, the National Statistics Office with financial and technical support of the International Labour Organization (ILO) conducted National Child Labor Survey (NCLS) as the second national survey. The survey covered the territories controlled by the central government of Georgia. The 2014 general population census database was used as the sampling frame, from which 7715 private households with 5-17 year-old children were sampled through two-stage cluster sampling method. The object of the survey represented children 5-17 years of age. 4.2% of 5-17 year-old children are involved in child labour, including 6.3% of boys and 1.9% of girls. Employment rate for children aged 5-17 amounted to 5.8% in Georgia. So 5.8% out of children aged 5-17 living in Georgia were engaged in economic activity during the week prior to the survey, including 4.2% in child labour, and 2.7% in hazardous work. The largest number of children reports helping family enterprise/farm and supplementing household income as the main reasons for employment. http://www.geostat.ge/cms/site_images/_files/georgian/labour/BOLO%20NCLS_Report_GE.pdf

The Government of Georgia took a commitment to work on definition of light work for children together with elaboration and/or amendment of the list of harm, hazardous and harmful activities specifically, focusing on children.

Ministry of Internally Displaced Persons from the Occupied Territories, Health, Labour, and Social Affairs of Georgia undertook concrete steps to elaborate special mechanism to further ensure inspection on working conditions at workplaces. The mechanism that is equipped with corresponding administrative and executive rights. Labour Conditions Inspecting Department was established under MoLHSA according to GoG’s Resolution N81 designating March 2, 2015. At the initial stage, decision has been made to start with a pilot program and Labour

Conditions Inspecting State Program is being implemented since 2015. Pursuant to the Program inspection visits to the enterprises/companies are available only with the consent of employer. Through years the Ministry and social partners have been working on the improvement of the mechanism.

This is to mention that Government of Georgia continues its consistent policy in labour/Osh sphere. Georgia passed legislation to provide some Occupational Safety and Health (OSH) protections, in Georgia's most hazardous industries as part of a pilot project through September 1, 2019, together with amendments to the Law on Entrepreneurial Activity that will authorize unannounced inspections by labour officials acting within the scope of their mandate and has committed to take additional legislative and regulatory steps to give full effect to the eventual OSH protections.

In the frames of Association Agreement Georgia was obliged to adopt a law on Occupational Safety (EU Council Framework Directive 89/391/EEC of 12 June 1989) by September 1, 2019 but the processes were accelerated and in March 2018, the Parliament of Georgian adopted The Law on “Occupational Safety”. The Law on Occupational Safety includes following requirements:

- Defines general principles of education and informing of and consulting with the employees and their equal involvement in the occupational safety and health protection issues;
- Considers special regulations regarding life insurance of employees during their working period and if employee gets injury, insurance will have to ensure his/her treatment;
- Includes special system of the sanctions. Sanctions will be linked with the incomes/benefits of companies and eventually will be used differentiated sanction methods for different types of companies.

According to the law, there are three levels of non-compliances: Non-Essential non-compliance; Essential non-compliance and Critical non-compliance. In addition, the sanction system includes three levels:

- a) Warning;
- b) Financial Sanction;
- c) Suspension of Working Process.

If supervision body (Labour Inspectorate) finds non-compliance, it gives warning to improve non-compliance in a reasonable period. Supervision body may use financial sanction if the company does not improve non-compliance in a reasonable period.

If supervision body finds Critical Non-Compliance (Non-compliance that poses a substantial threat to the life or health of an employee or a third person and which must be corrected immediately), it can suspend working process immediately, without using warning or/and financial sanction systems.

Following the adoption of the Law of Georgia on Occupational Safety (OSH), on July 27th, the GoG adopted a Resolution N381 on “Approval of List of Increased Risk, Hard, Harmful, and Hazardous Works (e.g. construction, heavy metallurgy, transportation, chemical and radioactive enterprises, mining and etc.). Together with the up- mentioned resolution the GoG adopted a Resolution N382 on “Approving a Rule and Conditions for Selective Control when Inspecting Protection of Occupational Health and Safety norms (OSH) in Increased Risk, Hard, Harmful and Hazardous Works”. According to the Law on OSH, enterprises performing increased risk, hard, harmful and hazardous works (defined by the above-mentioned list) will be obliged to register in the registry of economic activities within the 60 days after the adoption of the list of works.

The adoption of the Law and the Resolution envisages the removal of limitations to labour inspection to inspect companies/enterprises from increased risk, hard, harmful and hazardous works once in a year, based on preliminary annual list of companies, without prior notification to the employer and prior permission from the court. Besides that, permission is not needed during re-monitoring of inspected company and occupational accident in the company.

In order to address remaining concerns regarding the enforcement of labour laws, Georgia has committed to reestablish a fully-fledged labour inspectorate by 2019. The inspectorate will have the scope and authority to conduct unannounced inspections in all enterprises, enforce all labour laws related to internationally recognized worker rights, and levy sanctions on violators that are sufficiently dissuasive to deter future violations.

Inspections have covered all sectors in Georgia including all regions.

➤ **In framework of 2015-2017 State programs:**

In 2015 - 118 objects of 78 companies have been inspected;

In 2016 - 187 objects of 96 companies have been inspected;

- In 2017 - 280 objects of 166 companies have been inspected;**
- **In the framework of joint decree, around 20 objects have been inspected.**
- **In terms of forced labor and labor exploitation:**
 - In 2016- 99 companies have been inspected (8 unscheduled);**
 - In 2017- 107 companies have been inspected (6 unscheduled);**

Overall, the labour inspectors have issued around 6460 recommendations.

Paragraph 2. Prohibition of employment under the age of 18 for dangerous or unhealthy activities

GoG response:

It is prohibited to make a labour agreement with a minor or a pregnant or nursing mother for the performance of hard, harmful, or hazardous work and there is no exception from this prohibition considered by the Labour Law (article 4 (5)).

As already mentioned, The Government of Georgia took a commitment to work on definition of light work for children together with elaboration and/or amendment of the list of harm, hazardous and harmful activities specifically, focusing on children.

As to the Labour Inspection, the updated information can be seen under article 7&1.

Paragraph 3. Prohibition of employment of children subject to compulsory education

GoG response:

see comment on paragraph 1 of the article 7.

Organic Law of Georgia “Georgian Labour Code” ensures for an employee the right to 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 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. A labour agreement may prescribe terms and conditions different from those envisaged by this article provided they do not worsen the condition of an employee (article 21).

Unless otherwise provided for by a labour agreement, an employer may determine the sequence of granting paid leave to employees (article 22 (5)).

Present Law does not envisage any exceptions and different terms in relation to leave.

As to the Labour Inspection, the updated information can be seen under article 7&1.

Paragraph 4. Working time

GoG response:

The updated information on Labour Inspection can be seen under article 7&1.

Paragraph 5. Fair pay

GoG response:

As already mentioned in previous reports, remuneration for apprenticeship is equal to monthly salary of the employed on the same position. In private sector minimum wage according the President Order № 351 is 20 GEL and in the public sector pursuant to the President Order № 43 is 135GEL 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, 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.

As to the statistics, this is to mention that National Statistics Office of Georgia does not segregate data on wages by age.

Paragraph 6. Inclusion of time spent on vocational training in the normal working time
GoG response:

In relation to capacity building and vocational training and retraining the Organic Law of Georgia “Georgian Labour Code” determines only terms, in particular, sub-paragraph “J” of the Article 36 (2) determines that capacity building, professional retraining, or education can serve as basis for suspension of labour relations, the duration of which per year must not exceed 30 calendar days. The law does not include provisions on the remuneration for such leave.

Law of Georgia “on Public Service” regulates leave for public servant for vocational/professional development. A public servant is given the right to take a leave to participate in vocational/professional development program for the duration of such program. A public servant is entitled to take a paid leave in order to participate in a vocational/professional development program out the public service system once in 5 years for the duration of not more than 3 months, and/or unpaid leave for not more than 1 year (article 63 (1,2)).

Paragraph 7. Paid annual holidays
GoG response:

Pursuant to the Organic Law of Georgia “Georgian Labour Code” if giving the employee paid leave in the current year adversely affects the normal course of work, by consent of the employee, the leave may be carried forward to the next year. A minor’s paid leave shall never be carried forward into the next year (article 25 (1)). The law does not envisage any provisions on compensation for such leave.

Apart from that according to the Order of Ministry of Labour, Health and Social Affairs #87/n, February 20, 2009 on “Rules for Appointment and Provision of Aid for Temporary Incapacity for Work” if temporary incapacity for work starts during the leave (leave is suspended) and compensation is paid for the whole period of incapacity. In this case days of leave will be carried forward for the period of days indicated in the sick-leave certificate (article 4 (6)).

Paragraph 8. Prohibition of night work

GoG response:

The Organic Law of Georgia “Georgian Labour Code” defines that It is prohibited to employ a minor, a pregnant woman, or a woman who has recently given birth, a breastfeeding woman, a babysitter of a child under the age of three, or a person with disabilities for a night job (from 22:00 p.m. to 6:00 a.m.) without their consent.

The law determines no other exceptions.

The updated information on Labour Inspection can be seen under article 7&1.

Paragraph 9. Regular medical examination

GoG response:

The Law of Georgia on “Occupational Safety” defines obligation of the employer to Ensure preventive and periodic medical check-up of the employees according to Georgian legislation (article 6 (2, “h”))

Paragraph 10.Special protection against physical and moral dangers

GoG response:

Following establishment of Labour Conditions Inspecting Department, amendments have been made to the Laws - on ‘Combating Human Trafficking’ and on ‘Control of entrepreneurial activity’. The amendments in both of the above-mentioned Laws envisage proactive supervision of this Inspection Department with other appropriate state agencies in the field of human trafficking (forced labour and labour exploitation) prevention. In particular, the department is authorized to inspect the labour conditions with the aim to identify and respond the violations. It means that the labour inspectors have the ability and power to ensure the proactive supervision mandatorily and not voluntarily. That will contribute to effective planning and implementation of measures for prevention of forced labour and labour exploitation, as well as promoting identification and increasing efficiency of combating human trafficking. In order to prove the mentioned functions the Resolution of Government of Georgia “On Approval of Rule of State Supervision/Labour Inspection of Prevention of and Responding on Forced Labour and Labour Exploitation” was adopted in March 2016.

The Labour Conditions Inspecting Department collects the data. Fortunately, no cases of forced labour in already inspected companies have been revealed.

Protection of children’s and young persons’ rights is a top priority for the Ministry of Internal Affairs of Georgia (*hereinafter referred to as the ‘MIA’*). **LEPL - the Academy of the Ministry of Internal Affairs** (*hereinafter referred to as the ‘MIA Academy’*) conducts professional training programs and provides basic training as well as re-training of all police officers and other employees of the MIA. Vocational trainings are conducted in three main directions: basic courses for the citizens willing to join the police, re-training courses for duty police officers and promotion courses for the candidates of promoting on career level. The duration of the courses vary from 1 month up to 5 months based on the specific functions they will be performing.

Training course on the *protection of human rights* is included in every training program - *whether basic or specialized* - of the MIA Academy. This gives the trainees general sense of

the importance of protection of human rights with regard to every social group including minors. With the general human rights course, some training programs include specialized courses on the protection of children and young persons.

The courses cover *the following topics*:

- Legal status of a child;
- Impact of domestic violence on a child;
- General principles and rules for juvenile justice;
- Best interests of a child;
- Instruction of the child protection (referral) procedures for the staff of the Ministry of Internal Affairs;
- Rules for placement and removal of a minor from a specialized institution;
- Rights and obligations of resource officers of educational institutions;
- Law of Georgia on protection of minors from negative influences.

Courses on the protection of children and young persons are a part of *the following programs*:

- Basic training program for neighborhood police;
- Basic training program for patrol-inspectors;
- Basic training program for community police officers;
- Refresher and promotion course for patrol police department personell;
- Promotion course for officers of the central criminal police department and territorial organs.

In addition to the above programs, the MIA Academy also provides the course for the specialized police officers and investigators working in juvenile justice which covers *the following topics*:

- International standards of the protection of a child;
- Juvenile justice code of Georgia;
- Violence against children;
- Psychology and development of a child;
- Techniques and strategies for interviewing children.

In compliance with the new Georgian Juvenile Justice Code adopted by the parliament of Georgia on 12 June 2015, the MIA elaborated special curriculum that provides training

courses, and certifies professionals. The MIA is actively involved in the fight against domestic violence against children. Police officers react to the incidents as soon as the notice is received. Police officer is entitled to issue, *if needed*, a restrictive order for the prevention of reoccurrence of domestic violence and restriction of the rights of the violator. If a child is a victim of domestic violence, police refers the case to the Social Service Agency that responds appropriately to the situation. In 2017, the MIA made 200 referrals to the Social Service Agency, while in the 9 months of 2018 the number of referrals amount to 426.

While 150 investigators have already been retrained, it is planned to conduct the training on Child Referral Mechanism and relevant legislation for investigators of territorial units with the highest number of domestic violence incidents. With the support of UNICEF, In June 2018, a 5-day training on juvenile crime was conducted for 50 police officers. The training focused on children who are in conflict with the law, victims and witnesses. In close cooperation with the Social Service Agency, joint trainings on referral mechanism and children's rights are provided for police officers and social workers.

The MIA is committed to ensuring the protection of human rights and especially children's rights. To this aim, in January 2018, the Human Rights Protection Department (*hereinafter referred to as the 'HRPD'*) was established under the MIA. This department aims to ensure prompt response and effective investigation of domestic violence, hate crime, violence against women, trafficking and crimes committed by/towards minors. The HRPD elaborated recommendations on questions to ask the minor victims. The base of psychologists makes access easier to psychologists during investigation.

Since then 20% of juvenile victims and 46% of juvenile offenders come from the capital, in 2018, it is planned to create a separate unit that will investigate solely crimes committed by/against juveniles in Tbilisi.

Combating trafficking in human beings remains a priority for the MIA. Currently, the MIA is preparing a concept on children living and working on the street and analyzing the existing situation. It is planned to arrange interagency meeting on street children as well as meetings with international organizations working on trafficking issues. Particular attention is paid to raising awareness of children and youngsters about the threats of all types of exploitation in order to prevent trafficking in human beings against them. Government of Georgia prioritizes prevention of trafficking, including sexual exploitation, through enhancement of education in secondary and high schools. In this regard, issues related to sexual and labor exploitation are largely covered by the national curriculum of public schools.

Furthermore, the Government of Georgia in close cooperation with non-governmental organizations working on trafficking in human beings permanently organizes information meetings, conferences, round tables, law schools in order to promote awareness raising of general population on the threats of *inter alia* sexual exploitation of minors. Multilingual information leaflets (English, Turkish, Arabic and Russian) are distributed at state borders, airports, tourism information centers, receptions of IDP centers, Public Service Halls, Community Centers, Diplomatic Representations/Consular Posts of Georgia abroad, in the Embassies and Consular Units to Georgia and at the Reception Hall of the Consular Department of Ministry of Foreign Affairs of Georgia and in other public gathering areas, such as parks, metro stations, etc. The journal articles and other printed materials are frequently issued. There is a Hotline. Resources are operating and updated on a daily basis.

The Criminal Code of Georgia (CCG) does not prescribe the crime of prostitution. Being voluntarily engaged in prostitution is an Administrative Offence. Therefore, no one, irrespective of age, can be prosecuted for involvement into prostitution, whether linked to trafficking or not. However, Article 253(2)(b) of the CCG criminalizes engagement of a minor in prostitution by using violence, threat of violence or of destruction of property, blackmail or deception. The commission of this crime is punishable by imprisonment for a term of five to seven years. The article also prescribes that for this act a legal person shall be punished by fine, deprivation of the right to carry out activities or with liquidation and a fine.

In addition, offering a venue or dwelling place for prostitution is also criminalized in Georgia by Article 254(2) of the CCG that stipulates that making available an area or dwelling place for prostitution shall be punished by a fine or imprisonment for a term of two to four years and sets a punishment for legal persons in a form of a fine, with deprivation of the right to carry out a particular activity or liquidation and a fine.

Notably, on 12 June, 2018 the new legislative amendments came into force under Criminal Code of Georgia, aiming at criminalizing **pimping**. The draft amendments were prepared by the Ministry of Justice and distributed among all stakeholders for comments, including NGOs and International Organizations. Their feedback and recommendations were reflected in the legislative package. The legal amendments were discussed and approved by the Inter-Agency Council on Combatting Human Trafficking on its Meeting held on 19 December, 2017.

In 2014-2017, investigations on child sexual exploitation was launched on 2 cases, 1 perpetrator was prosecuted and 3 perpetrators were convicted, 1 child was granted the status of victim and provided with all necessary services.

Within the current setup of the State Fund system in Georgia, unaccompanied children who are the victims of THB are under legal guardianship of Social Service Agency (SSA) and SSA takes immediate measures to identify the needs of the child, accommodates them in family-type care (e.g. foster care, small group home, etc.) and considers State Fund Shelters as one of the available temporary resource for accommodation of unaccompanied child.

The children victims of trafficking and children accompanying the parents who had been trafficked, are provided with State Fund Shelter services and legal, psychological and medical assistance.

During working with the child victim, an individual rehabilitation-reintegration plan is elaborated and multidisciplinary team consisted of a social worker, a psychologist, a nurse and a lawyer, carries out the case of the child victim, identifies the problems related to him/her and discusses the ways and means to solve the problems.

Government of Georgia pays particular attention to protect children in street situations from any type of violence. To address the issue on 22 June, 2016 the Parliament of Georgia adopted legal amendments in up to 15 legal acts aiming at creating legal framework to provide children living and/or working in the streets with free of charge identification documents and strengthen the role of social workers to separate minor from perpetrator/remove the child from family or other environment where the violence was committed. Before, only police were entitled to remove a child from the violent environment.

Furthermore, as already mentioned above, the new Child Protection Referral Mechanism was adopted on September 12, 2016. Based on the above mentioned legislative changes, the LEPL Public Service Development Agency of the Ministry of Justice of Georgia issued free of charge identification documents for 14 homeless children and 4 children victims of violence. Notably, the identification documents might be issued upon the request of Social Service Agency or other legal representative of the child.

The criminal legislation of Georgia does not apply to children who are directly involved in various forms of sexual exploitation. As for the statistical data related to child sexual exploitation charges (Article 143², Article 171, Article 253 (§ 2 – “b”) and Article 255 of the Criminal Code of Georgia), 4 persons were charged in total under Article 143 in the years of 2014-2017. Regarding the question of how Georgian legislation regulates street begging by minors, the involvement of a minor in an anti-social behavior is a criminal offence under

Article 171 of the Criminal Code of Georgia, which includes persuading minor to begging or other anti-social behavior. However, criminal legislation does not apply to children who are directly involved in street begging

Article 8. Right of employed women to protection of maternity

Paragraph 5. Prohibition of dangerous, unhealthy, or arduous work

GoG response:

Pursuant to the Law of Georgia on “Public Service” officers may enjoy the right to part-time work for health reasons, or for raising a child of less than one year old and during pregnancy (article 61 (4)).

Rules and procedures for part-time work, night work, break time and holidays in public service is regulated by the Resolution of the Government of Georgia N201, April 21st 2017. Pursuant to this Resolution, public institution is obliged to minimize the number of officers employed in working conditions that are highly hazardous for their health. Moving a public servant to work that is highly hazardous for his/her health is an extreme measure and prohibited without absolute necessity (article 17).

Order No. 147/N, May 3, 2007 of the Minister of Labour, Health and Social Affairs of Georgia “on Approving the List of Hard, Harmful and Hazardous Work” determines that underground mining is considered as hard, harmful and hazardous work for all categories of employees. Accordingly, it is prohibited to employee persons indicated in the sub-paragraph 5 of the Article 8 in underground mining. Provision of the Order 147/N similarly applies to persons employed in other hard, harmful, and hazardous works.

Currently, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia is working on the amendments to the labour legislation in compliance with the EU directives (envisaged in Annex XXX of the EU-Georgia Association Agreement) related to improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, their move to another work, remuneration, and paid leave, if they cannot be moved to another work.

Article 16 – The right of the family to social, legal and economic protection

GoG response:

One of the main priorities of the state is the strengthening of families and their social functioning. In this regard, subsistence allowance program is carried out for the poverty reduction / prevention. The aim of which is to improve the socio-economic situation of the poor families identified by the assessment system (especially the strengthening of the families of children). TSA program is oriented on helping families. In order to facilitate the improvement of demographic situation, the targeted state program is also implemented, which implies issuing monthly cash benefit for the third and subsequent child in the regions where no natural growth is observed and allowance for each newborn child, whose one of the parents have a permanent resident status in mountainous settlement.

Number of sub-programs are defined, in the frames of the " Social Rehabilitation and Child Care State Program", aimed to increase the social functioning of families and prevent child abandonment: subprograms of supporting families with children in crisis conditions, early childhood development, day care centers, mother and child shelter provision.

It should be noted that according to the Civil Code of Georgia, "Incapacity" was considered to be an obstacle to marriage and marriage was not allowed between persons of whom at least one was incapable by the decision of the court based on mental illness or mental retardation. After the implementation of the so called "incapacity system" reform, the persons receiving psychosocial support is given the right to marry and have family, in particular: if one of the spouses is still a recipient of support, it is necessary to get a wedding contract before the registration of the marriage (Article 1172).

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

Paragraph 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;**

GoG response:

The Ministry of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs of Georgia annually implements the state program for "Social Rehabilitation and Child Care", most of which are focused on the individual needs of children. Number of supplied organizations of subprograms increases annually and also the geographical availability of services improves at the same time.

On May 4, 2017, the Law of Georgia on Adoption and Fostering was adopted, which focused on the child's best interests. As a new category is defined a child with special needs, which means a child with disability status or health or behavioral problems that require specific care and upbringing, which, in turn, requires the selection of trained families or foster caregivers in appropriate manner, also the mandatory requirement is to pass the obligatory preparation course – certification, for adoptive parents and foster parents, which is one of the foundations for registration a person to be adoptive parent or foster parent. At the same time the preparation course will help adoptive parent to obtain necessary skills for full development of a child and care.

The circle of involved institutions has been increased based on Decree N 437 of September 12, 2016 of the Government of Georgia on "the Approval of Procedures for Child Protection (Referral)" in order to improve the mechanisms for the elimination of violence against children.

The Social Service Agency's Action Order in the Procedure for Child Protection (referral) was approved by the Social Service Agency Director's order N04-519/O of 11th October, 2016, in accordance with Article 6, paragraph 7 of the decree.

The State Fund for Protection and Assistance of Victims of Human Trafficking was developed by the State Fund for the Protection and Assistance of Human Trafficking and approved by the Director of the Fund (04.05.2010, 07/07/2007 and 05.05.2010 №0745 / o) on

the Structural Units of the Fund (Shelter, Crisis Center) in territorial units (infant house; Kojori boarding house) with action Instructions against child violence. As soon as they were approved, they were sent to the relevant territorial (branch) and structural (shelter and crisis center) units of the Fund for the purpose of getting familiar with the employees. In addition, the staff employees were trained on the topic.

Information leaflets were published to raise awareness on the violence and violence against children and their family members.

The process of deinstitutionalization of children with disabilities and the transfer of children in alternate family type services - in foster care and small family type homes continues.

One family type home was opened in 2016 in Kutaisi for children with severe and profound disability, where 7 children were placed from Tbilisi Infant House. Second family type home is opened in 2018 in Tbilisi for children with severe and profound disability, where 7 children will be placed from Tbilisi Infant House.

Also, the work is constantly underway in order to involve children in reintegration programs and foster care. The best interests of children are taken into consideration during their placement in alternative care services.

"Social Rehabilitation and Child Care State Program", "the homeless children's shelter program" task for homeless children (including living and working on the streets) is psycho-social rehabilitation and integration. Program activities include: Mobile Group's (psychologist, driver, and peer educators), the day care centers' and the 24 hour shelter's services.

Within the framework of the sub-program of homeless children shelter from 2014 to February of 2018, contact was established with 1120 children in Tbilisi, Rustavi and Kutaisi; As of 2018, there are 6 day care centers (Kutaisi, Tbilisi, Rustavi) and 6 - 24 hour shelters (Tbilisi, Kutaisi Rustavi), 4 mobile groups (Kutaisi, Tbilisi); According to the data of March 2018, there are daily 140 beneficiaries of day care centers and 48 beneficiaries of 24 hour services.

In 2016 relevant legislative changes were introduced in up to 15 legal acts in order to better protect homeless children and children victims of violence.

Based on the legal amendment introduced to the Law of Georgia on Combating Domestic Violence, on September 12, 2016, the Government of Georgia approved a **new Child Protection Referral Mechanism** which has extended the list of responsible entities to refer the child violence cases to relevant agencies. In particular, all governmental institutions and their structural units, public law entities subordinate to government agencies, kindergartens, general educational institutions, sports and arts schools, medical service providers of all kinds, including community physicians, as well as local municipalities have a duty to refer the possible cases of child violence to both the Social Service Agency and the police. The failure to report such cases to the relevant state bodies by persons involved in the child referral mechanism will invoke administrative liability. It is noteworthy that unlike the previous referral instrument which was adopted by the heads of three line ministries, the new one is upgraded and has been approved by the Government of Georgia.

The new Child Referral Mechanism prohibits all forms of violence, including corporal punishment in all settings, including home.

The new referral mechanism foresees development of an integrated database of the child violence cases by January 2019. The database will put together information about the child victims, perpetrators, forms of violence, etc. It will be technically administrated by the police and will be accessible to all the agencies involved in the referral proceedings

Government of Georgia pays particular attention to protect children in street situations from any type of violence. To address the issue on 22 June, 2016 the Parliament of Georgia adopted legal amendments in up to 15 legal acts aiming at creating legal framework to provide children living and/or working in the streets with free of charge identification documents and strengthen the role of social workers to separate minor from perpetrator/remove the child from family or other environment where the violence was committed. Before, only police were entitled to remove a child from the violent environment.

Furthermore, as already mentioned above, the new Child Protection Referral Mechanism was adopted on September 12, 2016.

Based on the above mentioned legislative changes, the LEPL Public Service Development Agency of the Ministry of Justice of Georgia issued free of charge identification documents for 14 homeless children and 4 children victims of violence. Notably, the identification documents might be issued upon the request of Social Service Agency or other legal representative of the child.

Reforming the Juvenile Justice System has been one of the top priorities for the Government of Georgia (GoG) over the last few years.

In order to create the system which would be based on the best interest of a child prioritising alternatives of criminal liability, in 2014, in close cooperation with the EU and the UNICEF the Ministry of Justice of Georgia started elaboration of the Juvenile Justice code. After the intensive preparatory works together with relevant state agencies as well as international organisations and NGOs the MoJ prepared a brand new draft **Juvenile Justice Code** which was adopted by the Parliament on 12 June 2015.

The new code is based on the UN Convention on the Rights of the Child, the UN model law on Juvenile Justice and other relevant international instruments. It introduces number of innovative and immensely progressive approaches in the juvenile justice system.

The new Code expands the alternatives to criminal prosecution, such as diversion and mediation, and diversifies the sanctions available to a judge to ensure that the detention and imprisonment are used only as the measures of the last resort as derived from the principle of the best interests of the child and other international standards under the UN Convention on the Rights of the Child and relevant international instruments.

It is worth to note that, according to the Juvenile Justice Code, if an accused minor is in custody, the overall period of pre-trial detention shall not exceed 40 days after his/her arrest. The overall time of detention of an accused minor shall not exceed six months.

According to the Juvenile Justice Code of Georgia Fixed-term imprisonment may be imposed on a minor if he/she has committed a serious or a particularly serious crime, if he/she has avoided serving a non-custodial sentence, and/or a judgment of conviction has been delivered against him/her in the past.

For minors aged between 14 and 16, the imposed sentence shall be reduced by one third. In addition, the final sentence shall not exceed 10 years, while for minors aged between 16 and 18, the imposed sentence shall be reduced by one fourth. In addition, the final sentence shall not exceed 12 years.

In addition to the above-mentioned information, Individual Sentence Planning Mechanism was launched in the Georgian Penitentiary System in 2009. This mechanism envisions multidisciplinary approach and studies the risks and needs of inmates. An individual multidisciplinary team is assigned to each juvenile offender. This team is comprised of 4 representatives of disciplines: a social worker, a psychologist, a doctor and a regime officer.

No later than one month after the admission of a juvenile offender into the penitentiary establishment, this multidisciplinary team studies the juvenile's capabilities, risks and needs using the special instrument that was developed in the framework of the cooperation with the UNICEF and is currently being revised. The Individual Sentence Plan for a juvenile offender is developed thereafter. It integrates educational, rehabilitation and recreational programs. Before the final approval, the plan is agreed with the juvenile.

The individual approaches have been developed in relation to juveniles in pre-trial in 2009, in cooperation with UNICEF, based on their particular vulnerability. These approaches are in pilot mode at N2 and N8 penitentiary establishments. Currently, evaluation forms are being revised, the pilot program pilot planned to launch at N8 penitentiary establishment.

Various principal and auxiliary programs have been introduced at the mentioned penitentiary establishment to ensure effective enforcement of the sentence and to support rehabilitation/re-socialization, as well as crime prevention. The public school is functioning on the territory of the establishment, which is a part of one of the public schools in Tbilisi. Moreover, juveniles get standard high school completion certificates and also, have the right to take Uniform National Entrance/General Graduate Examinations.

Juveniles are provided with different vocational/professional and educational courses, receiving certificates upon completion of each study. The following rehabilitation programs promote to positive changes of behavior and thinking:

1. "EQUIP" - Attacking Crime at Its Source: Consciousness-Based Education in the prevention of anti-social behavior;
2. Rehabilitation program for overcoming the penitentiary stress;
3. Development of Cognitive and Social Skills - COSO;
4. Anger Management;
5. Step for a Change;
6. Acknowledgement of Committed Crime;
7. Thinking for a Change - developing positive thinking skills;
8. Effective Skills Development Group - Rehabilitation program for victims of violence and abusers;

9. Preparation for release;
10. Art Therapy;
11. Bibliotherapy;
12. Music Therapy;
13. Healthy lifestyle (health, drug addiction, contagious diseases);

Juveniles are actively involved in various sports activities, cultural events and academic competitions, and also have the opportunity to use library.

Furthermore, assisting juveniles in maintaining ties with the outside world is another priority, which is achieved through different socio-cultural activities, such as meeting public figures, hosting theater cast and musicians, and engaging in various cultural/intellectual activities.

With regard to protection of children against neglect and violence, please see the answer on page 379. Information on combatting child exploitation and in general, on Georgian Anti-Trafficking measures, is available on page 386.

Article 19. Right of migrant workers and their families to protection and assistance

Paragraph 1. Assistance and information on migration

GoG response:

Based on United Nations Department of Economic and Social Affairs (UN DESA) data, in the foreign-born population category Russia accommodates most of the emigrants from Georgia. Large number of persons born in Georgia are also present in Greece, Ukraine, Armenia and Azerbaijan. According to the same source, since 2000 the number of people born in Georgia has considerably increased in both the USA and the EU countries, while their number has decreased in Russia. According to the 2014 population census the largest number of emigrants from Georgia are in Russia and Greece, followed by Turkey, Italy, Germany and the USA. More than half (55%) of emigrants are women, although the gender ratio varies significantly by current country of residence. For instance, the majority of emigrants in Greece, Turkey and Italy are women, while it appears that primarily men emigrate to Russia and Ukraine.¹

According to the 2014 population census data, there were 11,751 foreign citizen immigrants

¹ Migration Profile of Georgia 2017.
http://migration.commission.ge/files/migration_profile_2017_eng_final_.pdf

in Georgia. the foreigners living in Georgia are predominately citizens of Russia, Armenia, Azerbaijan, Ukraine or Turkey. Almost half of foreigners living in Georgia (47%) were born in Georgia, this particularly concerns citizens of Russia, Armenia, Azerbaijan and Greece. The number of immigrants can also be estimated using the Public Service Development Agency's (PSDA) statistics. The PSDA collects data on issuance of residence permits to foreign citizens (both temporary and permanent). In the past five years (2012-2016), the PSDA has granted over 70,000 residence permits. The largest numbers of residence permits in 2015-2016 were granted to citizens of Azerbaijan, Russia, Turkey, Armenia, Ukraine, India, China and Iran.

Government of Georgia would like to clarify that since the establishment of the Anti-Trafficking Coordination Council in 2006, the Council has approved the National Action Plans (NAP) on Combatting Trafficking in Human Beings for 2007-2008, 2009-2010, 2011-2012, 2013-2014 and 2015-2016. On 15 December, 2016 the Council Approved current NAP for 2017-2018 and now it is in process of the elaboration of the next NAP for 2019-2020.

As to the IOM's project mentioned in the report, the project finished in 2017 and replaced by Sustaining Border Management and Migration Governance in Georgia (SBMMG). Detailed information about this project is available here: <http://www.informedmigration.ge/en/about> . Here is also another EU funded project implemented by ICMPD, which aims to strength migration management in Georgia. "Sustaining Migration Management in Georgia" (ENIGMMA 2) <http://www.enigma.ge/overview-3/>.

A specially designed and available in a uniform manner at all SCMI entities the "Guidebook on Legal Migration" is also uploaded on the web of the Commission and its member entities. The guidebook has updated in 2017 and latest bilingual publication is as well available on the SCMI website².The MIA Academy continued to deliver these courses and updated them several times after 2015. Basic training courses for Border Police and Border Check Point Officers cover wide range of topics related to the migration and transnational and organized crime, including:

- Legal status of aliens and stateless persons;
- Legal status of refugees and asylum seekers;
- Primary inspection of travel documents;

² http://migration.commission.ge/index.php?article_id=125&clang=1

- Inspection of identification documents;
- Refugee law;
- Identification of irregular migrants;
- Border Migration Administering and Reporting System (BMARS);
- Interviewing and communication skills;
- Legal procedure for crossing the Georgian border;
- Human trafficking;
- Drug trafficking;
- Terrorism;
- Integrated Border Management (IBM).

Above mentioned topics are covered in other basic courses (for Patrol Police, Neighborhood Police and Community Police Officers) and promotion courses with different intensity according to the target group. The MIA Academy pays the special attention to discrimination and equal treatment of different minorities. Training course on the protection of human rights covers human rights protected by the Constitution of Georgia and European Convention of Human Rights and contains various topics, including prohibition of discrimination, freedom of thought, conscience and religion and protection of personal information.

The training course on Human Rights was updated in 2017 within the framework of the EU funded project ‘*Human Rights For All.*’

The changes included:

- Case law of the European Court of Human Rights was included with special focus on the cases involving law-enforcement;
- The importance of ensuring human rights standards while carrying out their duties, including procedural rights of persons;
- The importance of protecting gender equality and detect cases of discrimination;

- Specificity of investigating crimes motivated by intolerance and on the grounds of discrimination;
- Proportionality of use of force - theoretical as well as tactical training for future and acting police officers on the basis of national as well as international standards;
- The importance of the freedom of religion in the religiously diverse community;
- Guidelines on assembly and manifestation.

Diverse community can be a challenge for a police officer to navigate. In order to respond to this challenge the MIA Academy is planning to update of the training module on Policing in Diverse Communities within the frames of the CoE project ‘*Fight against Discrimination, Hate Crime and Hate Speech in Georgia.*’ MIA Academy continues to promote the standards of police ethics. Topics, such as Police code of ethics; standards of communication with citizens; general standards of police ethics; ethics and corruption are covered in all courses.

Article 51.1(c)(d)(e)(g) of the law on Legal Status of Aliens and Stateless Persons is in conformity with the requirements of Article 19(8) of the charter. More precisely, any case of expulsion is proportionate and processed individually. In addition, aliens have right to appeal expulsion decision before the court.

If alien agrees to undergo relevant treatment, he/she is not considered to be a risk to public order, consequently there will be no ground for his/her expulsion on this basis.

According to the General Administrative Code of Georgia, after detecting grounds for expulsion within 10-business day an authorized body conducts administrative proceedings including collection of appropriate information and documents from relevant state agencies for the purpose of determine legal grounds of aliens, interviewing of aliens, etc.

In addition, within this period MIA should prepare expulsion decision or motion on expulsion to submit it to a court. According to the Georgian legislation, any expulsion decision made by court or MIA can be appealed to the court or to the higher court. In 2015-2017, MIA rendered 144 expulsion decisions out of the 217 decisions. Statistical data on appealed expulsion decision are *as follows:*

Year	Migration Department	Court
2015	8	0

2016	3	3
2017	3	2

Combating trafficking in human beings remains a priority for the MIA. The Central Criminal Police Department (*hereinafter referred to as the ‘CCPD’*) is dedicated to revealing facts of trafficking, investigating the cases and implementing preventive measures. The CCPD is responsible for detection, suppression and prevention of illegal activities committed in cyberspace including child pornography and online sexual abuse. During the first 9 months of 2018, the Ministry launched 15 investigations on the facts of trafficking and 7 prosecutions were started. The forms of trafficking included sexual exploitation (8 cases), labor exploitation (4 cases out of which 2 victims were minors) and buy-sale of infants (2 cases).

The Division for Combat Trafficking and Illegal Migration of the Main Division for Combat Organized Crime of the Central Criminal Police Department of the Ministry of Internal Affairs of Georgia was established in 2005 and since that it effectively fights against human trafficking. Since 2013, 6 mobile groups operate with two law enforcement officers in each. The mobile groups are deployed in Tbilisi. They detect and register the trafficking risk-associated areas throughout Georgia. They manage surveying of individuals covered by the risk groups, identify the risk groups, organizations and locations, interview the individuals and ensure their awareness of human trafficking; the mobile groups also distribute the informational leaflets on the rights of victims of trafficking and the government services offered in terms of illegal migration and trafficking. Due to the work of these particular groups, the investigation of several facts of trafficking was launched.

In 2014 the Department of Combating Trafficking was created in Adjara region within the Police Department of the Autonomous Republic of Adjara. On February 27, 2014 the Ministry of Internal Affairs of Georgia, the Chief Prosecutor's Office of Georgia and the Georgian Mission of the International Organization for Migration signed the Memorandum of Cooperation. The Task Force, formed on the basis of this Memorandum is staffed with 7 investigators and 5 prosecutors.

Functions of the ‘Task Force,’ as well as of the mobile groups are *as follows*:

- Identification of risk groups, organizations and places;
- Survey of persons covered by the risk groups;

- Ensure their awareness of human trafficking, as well as distributing informational leaflets on the rights of victims of trafficking and the services offered by the state;
- Improve awareness of the population on its connection with illegal migration and trafficking.

On June 28, 2018, the US Department of State published an annual report where Georgia still retains its place in the first basket. This means that the country fully complies with the international standards for combating trafficking. The report emphasizes that Georgia continues its steady, irreversible, consistent, coordinated and sustainable efforts in combating trafficking.

The MIA is actively cooperating in terms of combat trafficking with various agencies and partner organizations, such as: Embassy of the United States of America in Tbilisi, International Organization for Migration and Organization for Security and Cooperation in Europe. Partner organizations render assistance to the MIA in personnel retraining both in Georgia and abroad. They support the MIA in ensuring population's awareness of human trafficking with the purpose of preventing this crime.

With the financial support of the US Embassy in cooperation with the IOM, the MIA and the Revenue Service of the Ministry of Finance the social campaign '*prevention of human trafficking and reduction of demand of servicing trafficking victims*' is implemented since 2017. Within the framework of the campaign, the informative banners and video materials were produced and deployed on the territory of Sarpi border checkpoint. The video material is advertised by monitors installed in Sarpi border checkpoint.

The HRPD of the MIA monitors all criminal cases that may involve hate motives. Due to a successful cooperation between the territorial units of the MIA and the HRPD, in 2018, hate motive was identified in 95 cases; up to 80 persons were accused of sex/gender based crimes; 11 persons - sexual orientation/gender identity; 4 persons – ethnic, national and racial intolerance. A guideline on crimes committed on grounds of discrimination was elaborated which includes international and domestic legislation on the mentioned crimes, investigation methodology, as well as prevention and general approaches.

The MIA pays special attention to raising qualification of its employees by constantly retraining managers and investigators. A 5-day course was elaborated for investigators specializing on domestic violence and a 3-day course was developed on hate crimes. Both

courses include topics on legal and psychological issues related to investigation of the mentioned crimes.

Combating Trafficking in Human Beings is one of the key priorities for the Government of Georgia (GoG). In this regard governmental policy is entirely focused on so called 4 Ps and GoG is committed to adopt efficient measures in order to enhance Prevention, Protection, Prosecution and Partnership.

Government of Georgia acknowledges that combating trafficking requires concerted interagency policy in implementation of the Anti-Trafficking legislation. In this respect the role of the Interagency Council on Combating Trafficking in Human Beings (THB) set up in 2006 remains indispensable in adopting serious and sustainable measures on combating THB. The Council chaired by the Minister of Justice of Georgia is the major policy shaper with regard to combating trafficking and includes representatives from all line ministries and agencies, Public defender, NGOs, International Organizations and US Embassy to Georgia.

Notably, Anti-trafficking measures taken by the Georgian government was positively assessed by the **US State Department** in 2016, 2017 and 2018. According to the US State Department Reports on Trafficking in human beings, Georgia was upgraded to Tier 1 in 2016 and remains in the leading position among other western countries, including the EU member states, in Tier 1 in 2017 and in 2018. These rankings reaffirm that Government spares no efforts to effectively combat human trafficking and promote efficient and prompt protective services to THB victims. Furthermore, according to the 2018 US THB report Georgian Anti-Trafficking Referral Mechanism, the Grants issued by the Ministry of Justice for identification and resocialization of children in street situations and Governmental efforts to address the issues of homeless children are considered as one of the best models. In 2018, Georgia was the only one among EaP countries which ranked in Tier 1.

On its part, **GRETA** has also praised Georgia's counter-trafficking measures in its second evaluation report issued on June 3, 2016.

It should also be noted that, according to the **Global Slavery Index 2018**, the Government of Georgia was placed among those ones that have been taking the most effective actions to end human trafficking. Specifically, Georgia holds the **15th position among 167 countries**. According to the same source, when it comes to the **regional level Georgia ranks 1st** in terms of strong governmental counter-trafficking responses.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has chosen the Georgian A-THB national referral mechanism as one of the successful and decided to reflect it in the revised Practical Handbook on National Referral Mechanisms of OSCE/ODIHR. With the special invitation of the ODIHR, the representative of the Ministry of Justice also participates in the revision process of the Handbook.

Since 2014 relevant legislative and practical measures have been taken in response to THB.

- In May 2014 and August 2015 respective provisions of Criminal Code of Georgia were amended to define exploitation in unambiguous and clear terms, encourage the reporting of the using of services of THB Victims and ensure the security of the testimonies;
- On June 12, 2018 **legal amendments in the Criminal Code and the Criminal Procedure Code of Georgia were adopted by the Parliament of Georgia.** The amendments include **criminalization of pimping** aiming at reinforcing legal remedies to prevention of sexual exploitation in Georgia.
- Four mobile inspection groups of the Ministry of Internal Affairs and the Task Force composed of investigators and prosecutors continue proactive identification of the THB cases and regularly operate in the high risk areas;
- The Inter-Agency Council approved **revised Guidelines for the law enforcements** adopted and updated **respectively in 2014 and 2017.** Furthermore, in 2017 the Council approved **Guidelines** on Identification of Victims of Trafficking in Human Beings **for border police officers and Customs officials.** The aim of the Guidelines is to proactively identify THB cases and refer the possible THB victims to relevant agencies for assistance.
- The standard Operation Procedures (SOPs) elaborated by Inter-Agency Council and approved by the Minister of Internal Affairs in January, 2015 promote the proactive identification of THB cases, establish the standards and conditions for a potential victim interviewing, etc.
- The Department of Labor Inspectorate was established at the Ministry of the Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs in 2015 which conducts proactive and regular inspections of institutions and organizations in order to reveal the facts of forced labor and labor exploitation. In case the Labor Inspectorate departments identifies the signs of the forced labor or labor exploitation, the alleged THB case is immediately referred to the Central Criminal Police Department (CCPD) based on the “Memorandum of Mutual Cooperation on promotion of detection of cases of trafficking in

human beings” signed on August 13, 2015 between the Labor Inspectorate Department and CCPD.

- Capacity development trainings for the key officials involved in anti-trafficking policy are permanently organized.

While detecting the potential THB cases law enforcements are following to the detailed instructions provided under **National Referral Mechanism on Human Trafficking** adopted in 2007. The Referral Mechanism foresees the detailed instructions how to identify the potential victim, to refer to the relevant institution and to assist the victim/statutory victim based on his/her will and necessities.

The National Referral Mechanism ensures **two possible ways** for a person to be identified as a victim and get involved in state run services. Georgian law differentiates status of **victim** of trafficking and status of **statutory victim** of trafficking. The status of victim of trafficking is granted to the person by Permanent Group of the Interagency Council consisted of 5 NGOs within 48 hours based on the questionnaires of mobile group of the State Fund, while the status of statutory victim of trafficking is granted by law enforcement authorities in accordance with Criminal Procedure Code of Georgia.

The aim of the two existing statuses is to protect and assist those persons who are potential THB victims and have no will to cooperate with law enforcements.

Regardless to the difference in the procedure of granting the status, there is **no difference between their rights** during the protection, process of investigation and/or prosecution. Both the victims and statutory victims of THB enjoys the state run services (shelters, legal aid, psychological and medical assistance and one-off compensation (1000 GEL)) provided by the State Fund for the Protection and Assistance of the THB Victims/Statutory victims.

Since 2017 three crisis centers (in Tbilisi, Kutaisi and Gori) are also available for potential victims of THB.

It should be underlined that **foreign victims and statutory victims** of trafficking have the same access to the State Fund services as **domestic victims and statutory victims** of trafficking.

Furthermore, the shelters and services of the State Fund are **child tailored** and aims at ensuring the best interests of the children.

In terms of partnership, Government of Georgia prioritizes enhancement of **cooperation with non-governmental sector**. For that aim, we concluded **memorandums of understanding with local and international NGOs** regarding the providing services for the THB victims/statutory victims, promotion of the capacity building of law enforcements to enhance their knowledge and skills of combating this crime. In addition, MOJ issues **grants for local NGOs** to implement awareness raising activities (since 2012 6 grants (in total 93000 GEL) were issued to NGOs).

As for the international cooperation, Georgian law enforcement agencies closely cooperate with their counterparts within police cooperation, MLAs and Extraditions. Starting from 2013 Ministry of Internal Affairs of Georgia has deployed 13 Georgian police attachés abroad.

Apart from it, the Agreement between Georgia and EUROPOL entered into force on 31 July 2017 and Georgia became EUROPOL's operational partner state. In July, 2018 a Georgian liaison officer was deployed to EUROPOL. Currently, Georgia is also in the process of concluding the Cooperation Agreement with EUROJUST.

Government of Georgia considers public awareness raising campaigns on human trafficking as one of the essential preventing measures. For the effective implementation of the preventive measures, the Interagency Council elaborated **Common Information Strategy** on combating trafficking. This Strategy specifically identified targeted vulnerable groups, including IDPs, children, minorities and people from rural areas, regions and means for implementation. **It should be underlined that such information strategy and action plan is quite unique in our region.**

Within the framework of the Strategy information meetings with different target groups such as pupils, students, children in street situations, journalists, minorities and rural population are permanently organized in Tbilisi, other big cities and villages. In most cases the meetings are held in Public Service Halls and Community Centers which are operating under the Ministry of Justice. During the information meetings various leaflets on THB issues are broadly

disseminated. TV and radio shows and advertisements are also frequently devoted to THB issues.

Government of Georgia also prioritizes prevention of trafficking through enhancement of education in secondary and high schools. In this regard, issues related to human trafficking are largely covered by the national curriculum.

Paragraph 2. Departure, journey and reception

GoG response:

As of September 2018, there are 1415 beneficiaries of international protection in Georgia, among them 447 are refugees and 968 - humanitarian status holders. Georgia has received 529 asylum-seekers in 2018.

In 1 December 2016 the Parliament of Georgia adopted the Law of Georgia on “International Protection” (hereinafter: Law) which entered into force from 1 February 2017. The Law enshrines conditions of entry, stay and standards of treatment on the territory of Georgia for aliens and stateless persons, who have requested international protection in Georgia; the legal status, rights and obligations, as well as social and economic guarantees of asylum-seekers, refugees, humanitarian status holders and persons under temporary protection.

Under the Law, Asylum-seekers enjoy the following rights:

- Not to be removed or extradited from the territory of Georgia or expelled until her/his application on international protection is determined or until the final judgment of the Court enters into force;
- To receive information on her/his rights and obligations; as well as procedures for examination of application on international protection;
- If possible, to be interviewed, upon request, by a competent official of the same sex and be provided with the interpreter of the same sex;
- To receive free interpretation service during the asylum procedure;
- To receive free legal aid and representation at Court related to the issues of granting international protection, as provided by the Law of Georgia on Legal Aid;

- To stay in the Reception Centre during procedures for examination of application on international protection, except the cases when she/he is detained in the penitentiary establishment of the Ministry of Corrections, or temporary detention facility or Temporary Accommodation Centre of Migration Department of MIA;
- To be provided with an Asylum-seeker's Certificate and Temporary Identification Card during procedures for examination of application on international protection;
- After requesting international protection, to be provided with social-economic assistance and proper living conditions pursuant to Georgian legislation;
- To receive pre-school and general education as provided for citizens of Georgia;
- To have access to professional and higher education in accordance with Georgian legislation;
- To receive healthcare from the Universal Healthcare Program of Georgia as provided for citizens of Georgia, with exceptions pursuant to Georgian legislation;
- To withdraw the application on international protection on a voluntary basis;
- To be exempted from any fees for appeal against a decision related to the application on international protection;
- To have the right of employment pursuant to Georgian legislation, in particular, be employed or self-employed independently;
- To have the right to address administrative bodies and Courts pursuant to Georgian legislation;
- To be informed about the possibility to contact UNHCR;
- To enjoy other rights enshrined under Georgian legislation for aliens and stateless persons, unless the Law of Georgia on International Protection provides otherwise.

Integration of Refugees and Humanitarian Status holders is one of the most important priorities for Georgia:

- Refugees and humanitarian status holders, like IDPs, are given monthly allowances amounting 45 GEL.
- Asylum-seekers, refugees and humanitarian status holders are enrolled in the “Common State Program for the Health Care and Insurance” as the citizens of Georgia.
- They have access on pre-school education as well as general education as the citizens of Georgia.
- There has been elaborated special Georgian language studying courses for school age asylum-seekers, refugees and humanitarian status holders, assisting them to study Georgian language before entering school.
- The asylum seekers, refugee and humanitarian status holders have access to qualified and free legal assistance and representation in court from 2016.
- "The Organic Law of Georgia on the Citizenship" provides simplified procedures for granting citizenship of Georgia for the persons having status of refugees. According to the Article 12(4) of the Law of Georgia on Citizenship, the refugees are excluded from the obligations to have work experience in Georgia, or ownership of business or shares and obligations in the enterprises.
- The integration of refugees and humanitarian status holders is a part of the Migration Strategy of Georgia 2016–2020. Both documents define in detail integration activities to be provided for Persons of Concern.

In order to further enhance the integration process of refugees and humanitarian status holders in Georgia, there has been opened Integration Centre in May 2017, where refugees and humanitarian status holders benefit from integration programs. Within the Integration program, refugees and humanitarian status holders are provided with Georgian language courses; social-cultural awareness raising course, civil education course. The beneficiaries of the centre are also provided with the consultation free of charge regarding the services about other state programs they can benefit from.

Paragraph 3. Co-operation between social services of emigration and immigration states
GoG response:

In the recent years, Georgia has been actively working to develop the interstate cooperation in the field of temporary labour migration. The importance of such cooperation is increasing in the context of Georgia's EU integration process and the visa-free regime Georgia enjoys with the European Union.

Well-managed circular migration schemes (CMS) can prevent illegal emigration from Georgia, protect Georgian workers' social rights abroad, and maximize the progressive effect of labour migration on individual migrants, Georgia, and the respective country of destination. The current socio-economic and policy context in Georgia combined with the European Union's (EU) high demand for labour creates a good basis for developing circular (labour) migration schemes

The Law on Labour Migration was adopted on 22nd of April 2015 and it establishes the general framework for exercising the government authority in the field of labour migration. It defines issues, relations and entities in the field of labour migration, bodies exercising government regulation and their attributions. According to the law, there are financial sanctions established for the legal persons/individual entrepreneur who are performing activities related to employment and/or facilitation of employment abroad without being registered to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs. The failure to submit to the ministry the information established by the law it is also punished with a fine. The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs has elaborated bylaws for full implementation of this law, by regulating the following issues: defining the competent authority to review the cases of administrative breaches of the requirements in the field of labour migration; the rules and format of accessing data among public institutions; definition of mechanisms to verify information on foreign employers; the rules of reporting to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs on the measures taken in the field of migration; rules on filling out and submitting penalty notice form. ("Recruitment and placement rules between labour immigrant (alien residing in Georgia without a permanent residency) and a local employer about execution of paid labour activity"; "Accessibility of data among administrative bodies in the sphere of labour migration", "Submission of a report on the activities implemented in the

sphere of foreign labour migration by an accountable legal entity, individual entrepreneur or a foreign enterprise and non-profit (non-commercial) legal entity branch (representative office, permanent establishment)” and etc.).

On August 7 2015, the Government approved Resolution no.417 on approving the rule on employment by a local employer of a labour immigrant (alien not holding a Georgian permanent residence permit) and performance of paid labour activities by such immigrant. The resolution defines conditions for employment by a local employer of a labour immigrant and performance of paid labour activities by such immigrant, guarantees, obligation to provide information about the employment, rights and responsibilities of a labour immigrant and a local employer. According to the resolution, in case of employment of an alien with legal stay, the employer is obliged to inform Social Service Agency within 30 calendar days after the entry into force of the labour contract. The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs has elaborated the rules and related procedures for defining the form of providing information by the employer about the aliens employed. Both legal acts came into force on 1st of November 2015.

Further development of inter-governmental cooperation in the sphere of Legal temporary (circular) labour migration is an ongoing process. In 2013, the Government of Georgia signed the circular migration agreement with the Government of France. Currently, the negotiation process on signing a circular migration agreement with a number of EU member states is in the progress.

On July 18 2016, MoU has been signed between the Ministry and GIZ for future cooperation in: assistance of experts in terms of improvement of Labour Migration policy of Georgia. In 2017 within this memorandum, an international expert has done the impact assessment and the risk analysis of the Law on “Labour Migration” and Rule On “Employment by a Local Employer of a Labour Immigrant and Performance of Paid Labour Activities by such Immigrant”. Also they have shared their experience after the completion of „Strengthening the Development Potential of the EU Mobility Partnership in Georgia through Targeted Circular Migration and Diaspora Mobilization“ Project and handed-over the Project results and the manual on it;

In cooperation with IOM (international Organization for Migration), the circular migration project “Piloting Temporary Labour Migration of Georgian Workers to Poland and Estonia” is ongoing. The objective of the project is to develop operational frameworks for facilitating worker mobility from Georgia to Poland and Estonia that promote effective job-matching, migrant skill development and protection of their labour and human rights. The Ministry of

Labour, Health and Social Affairs (MoLHSA) and the Social Service Agency (SSA) is actively engaged in the implementation of the project as the main partner.

During this Pilot project in total over 1000 persons were counselled on employment options, skills required etc. in Poland and Estonia. 306 persons were registered. 30 Labour Migrants of the following professions are employed.

- **Welder**
- **Metalworker**
- **International Shipping Driver (C+E categories)**
- **Construction Workers**

Currently, taking into consideration the success of the pilot project, with the support of International Organization of Migration a draft agreement between Georgia and Poland on Circular Labour Migration has been prepared and is in the process of discussion. The agreement will be the first precedent of an agreement signed between Georgia and EU member state in terms of circular migration.

On the basis and in the framework offered by Mobility Partnership (MP) the SCMI had implemented the very first national circular migration scheme with German counterparts. As a result, the project laid down the solid basis for the organization of a national temporary labor migration schemes, thus providing a strong alternative to illegal migration and its negative consequences (violation of migrants' social rights, trafficking etc.). Based on experience gained from this project the need of CM development was highlighted in e new (2016-2020) Migration Strategy of Georgia created in the spirit of European Agenda for migration 2015. In the meantime, it must be noted that the implementation of EU-Georgia visa-liberalization action plan (2013-2015), which had created a framework for the national migration management system and entirely absorbed the provisions provided by MP and moreover, by increasing action at the background of modern realities and challenges as well, put forward the need for the review and update of MP approaches and mechanisms. This, as well as the future of MP in countries with modernized migration management systems (based and proceeding from VLAP implementation and post action) will be at the core of special stock-tacking conference to be organized by EC and held in 2018. The conference will analyze the MP evaluation pre-pared by Maastricht University at the request of EC, and take decisions, which will serve as a source for re-adjusting of MP's national policies.

Paragraph 4. Equality regarding employment, right to organize and accommodation

GoG response:

The Law on Labour Migration was adopted on 22nd of April 2015 and it establishes the general framework for exercising the government authority in the field of labour migration. It defines issues, relations and entities in the field of labour migration, bodies exercising government regulation and their attributions. According to the law, there are financial sanctions established for the legal persons/individual entrepreneur who are performing activities related to employment and/or facilitation of employment abroad without being registered to the Ministry of Internally Displaces Persons from the Occupied Territories, Labour, Health and Social Affairs. The failure to submit to the ministry the information established by the law it is also punished with a fine. The Ministry of Internally Displaces Persons from the Occupied Territories, Labour, Health and Social Affairs has elaborated bylaws for full implementation of this law, by regulating the following issues: defining the competent authority to review the cases of administrative breaches of the requirements in the field of labour migration; the rules and format of accessing data among public institutions; definition of mechanisms to verify information on foreign employers; the rules of reporting to the Ministry of Internally Displaces Persons from the Occupied Territories, Labour, Health and Social Affairs on the measures taken in the field of migration; rules on filling out and submitting penalty notice form. (“Recruitment and placement rules between labour immigrant (alien residing in Georgia without a permanent residency) and a local employer about execution of paid labour activity”; “Accessibility of data among administrative bodies in the sphere of labour migration”, “Submission of a report on the activities implemented in the sphere of foreign labour migration by an accountable legal entity, individual entrepreneur or a foreign enterprise and non-profit (non-commercial) legal entity branch (representative office, permanent establishment)” and etc.).

On August 7 2015, the Government approved Resolution no.417 on approving the rule on employment by a local employer of a labour immigrant (alien not holding a Georgian permanent residence permit) and performance of paid labour activities by such immigrant. The resolution defines conditions for employment by a local employer of a labour immigrant and performance of paid labour activities by such immigrant, guarantees, obligation to provide information about the employment, rights and responsibilities of a labour immigrant and a local employer. According to the resolution, in case of employment of an alien with legal stay, the employer is obliged to inform Social Service Agency within 30 calendar days after the entry into force of the labour contract. The Ministry of Internally Displaces Persons from the Occupied Territories, Labour, Health and Social Affairs has elaborated the rules and

related procedures for defining the form of providing information by the employer about the aliens employed. Both legal acts came into force on 1st of November 2015.

Updated information on Labour Inspection can be seen under Article 7 (1).

Paragraph 5. Equality regarding taxes and contributions

GoG response:

LEPL – Revenue Service would like to inform you that, Tax Code of Georgia does not set any discriminatory regulations with regard to foreign nationals residing in Georgia. On the equal footing, they can establish the company and carry out economic activity, based on the same criteria as for the citizens of Georgia, unless otherwise prescribed by the legislation of Georgia. They do not need to have more capital, share or any other burden to start a business. They can carry out economic activity and benefit with the special taxation regimes, such as micro, small or fixed taxpayer status. The benefit for the persons, which have been granted the above-mentioned types of status, is the following:

- A natural person, who has granted a micro business status, does not have any employee, carries out business independently, from which the total gross revenue, earned by him does not exceed 30,000 GEL during the calendar year, have fewer burden in bookkeeping, do not need to use cash register machine and pay income tax.
- An entrepreneurial natural person, whose gross income received from economic activity during the calendar year does not exceed 500,000 GEL. may have small business status. The taxable income of a person is taxable at 1%. They need to have cash register machine and have simplified bookkeeping.
- The fixed tax rate by the types of activities are determined by the Government of Georgia. On taxable object, it can be from 1 GEL- to 2000 GEL, or 3% of the income received from taxable activities.

There are several levels of taxpayer's protection mechanism, in particular, two levels of tax dispute mechanism under the Ministry of Finance. It is noteworthy, that taxpayer can produce a tax dispute without any fees.

Business Ombudsmen of Georgia also studies statements and claims of the persons, regarding tax and violations, presents the recommendations on the disputes and the representative of the Business Ombudsman is a member of the Tax Dispute Resolution Council under the Ministry.

Paragraph 6. Family reunion

GoG response:

For the purpose of respecting the principle of family unity, the Law of Georgia on International Protection guarantees the right to family reunification to international protection holders in Georgia (Articles 3.s; 46; 51.1.m). Under this Law, the right to family reunification in the asylum context refers to the legal entrance and residence in Georgia that can be exercised by the family member of international protection holder. The Law of Georgia on International Protection provides the definition of family member (Article 3.r), which can be spouse or partner of asylum-seeker or international protection holder, minor child, parent and legal representative (guardian), dependent unmarried adult child, as well as person under the guardianship/custodianship. Adhering to the right to family reunification and principle of family unity, derivative status is granted to family member of international protection holders in Georgia, which is present on the territory of Georgia (Articles 3.t, 11.3).

Under Law of Georgia on International Protection, family reunification procedure can be initiated by international protection holder, by referring written application to the Ministry of Internal Affairs of Georgia. Application can be supported by documents proving family ties/relationship. The Ministry considers the application on individual merit within one-month time period. In case of established family relations, the Ministry of Foreign Affairs of Georgia shall be requested assistance in family tracing or issuance of a visa; similarly, the ICRC can be assisted for family tracing purposes. Reunited family members, who arrive in Georgia, shall be granted the same international protection as the person who initiated the reunification procedure. As regards to unaccompanied minors - the principle of family unity is taken into consideration during BID and family tracing procedure is commenced after granting international protection to the minor.

Family reunification in asylum procedure is regulated by the Law of Georgia on International Protection. Article 3 of the Law provides definitions for the right to family reunification, family members and derivative status (Articles 3.s; 3.r; 3.t), while Article 51 establishes the right to family reunification among the rights of refugees and humanitarian status holders (Article 51.1.m). Article 11 refers to the legal guarantees of the right to family unity for the beneficiaries of international protection in Georgia. Article 46, in conjunction with Articles 73 and 77, describes the family reunification procedure and competences of State Institutions (Articles 46; 73.b; 77.b). While Best Interest of the child is of high consideration in asylum procedure, Articles 12, 25 and 46 regulate the application of the right of family unity and family reunification in case of unaccompanied minors (Articles 12; 25.5; 46.2).

Public Service Development Agency (PSDA) of the Ministry of Justice of Georgia reviews applications including presented documents on issuing Georgian residence permits. In order to reveal the grounds of denying the issuance of residence permits, PSDA addresses various institutions. Law of Georgia on the Legal Status of Aliens and Stateless Persons in the article 18 defines the grounds for denying the issuance of Georgian residence permits. If an authorized institution holds that kind of information about a person, which gives a ground of denying of issuance of residence permit, it notifies the PSDA. One of these institutions is State Security Service of Georgia. According to the article 18.3 of the Law of Georgia on the Legal Status of Aliens and Stateless Persons, the information on the circumstances specified above, shall be presented to the body reviewing the case in such a way as not to prejudice the interests of state security and/or public order.

Law of Georgia on the Legal Status of Aliens and Stateless Persons in the article 18 defines the grounds for denying the issuance of Georgian residence permits. According to the Article 18 (1.f), an alien may be denied a residence permit in Georgia if he/she has such infectious or other diseases, the nature, severity, or duration of which may pose a threat to the population of Georgia. The Ministry shall establish the list of such diseases for Labour, Health and Social Affairs of Georgia. The ground of the reason for denying the issuance of Georgian residence permit should be an edict or any other official order issued by the minister of internally displaced persons from the occupied territories, labor, health and social affairs of Georgia. It is also worth noting that because of the ground mentioned before, none of aliens or stateless persons were refused to get residence permit in Georgia. Furthermore, to obtain a residence permit in Georgia, an alien or a stateless person is not requested to submit a certificate about the health status to the agency according to the ordinance № 520 on Approving Procedures for Reviewing and Deciding the Granting of Georgian Residence Permits.

There are no requirements for family members of migrants to pass language or integration test prior to or after entry to Georgia.

For the purpose of the family reunification alien at any time can invite his/her the family member upon receiving the residence permit. There is no time limit According to the new Law of Georgia on Legal Status of Aliens and Stateless Persons

Here is required information about the legal framework on family reunification:

Family reunification is a universally recognized fundamental right, which served the basis when elaborating different legal acts in Georgia. The Law on Legal Status of Aliens and

Stateless Persons (2014) defines family reunification as one of the main principle (Art. 3 “b”) and stipulates issuing special “D4” type of immigration visa and relevant category of residence permit to foreigners for family reunification purposes. Moreover, according to the above-mentioned law in marital and family relations, foreigner in Georgia shall enjoy similar rights and have similar duties as citizens of Georgia (Art. 36. 2).

Public Service Development Agency (PSDA) LEPL under the Ministry of Justice of Georgia is responsible for issuing residence permits, including for family reunification purposes.

According to the law of Georgia on the Legal Status of Aliens and Stateless Persons family member is a spouse, child, parent of an alien, as well as a person under guardianship or custody of an alien, and/or a fully dependent minor, and a legally incompetent or disabled person.

A residence permit for the purpose of family reunification shall be issued to family members of an alien holding a residence permit in Georgia. To obtain or extend a Georgian residence permit, an alien shall apply to the Public Service Development Agency of the Ministry of Justice of Georgia (PSDA). An application for obtaining or extending a residence permit shall be submitted to the Agency in printed or electronic form by completing the application form available on the PSDA website. An alien shall apply to the Agency for a residence permit 40 calendar days before his/her lawful stay in the territory of Georgia expires.

To obtain a Georgian residence permit for family reunion, an alien shall submit to the Agency:

- a) an application in the established form;
- b) a copy of the alien’s travel document;
- c) a copy of the document evidencing the alien’s lawful stay in Georgia (immigration visa D4);
- d) a document evidencing kinship;
- e) document evidencing legal income earned in Georgia by the alien and/or by a Georgian citizen or by his/her relative having the right of residence in Georgia; the money in the alien’s personal bank account may also be considered as income; the monthly amount of the money, taking into account the duration of the residence permit, shall not be

less than double the amount of the minimum subsistence level for average consumers in Georgia;

- f) a 3x4 photo;
- g) a receipt evidencing payment of the service fee.

Georgian residence permit for family reunification purposes shall be issued for the period of an alien's anticipated stay in Georgia, but no longer than six years. after 6-year residence he/she can obtain permanent residence permit.

The period for reviewing an application for obtaining or extending a residence permit shall not exceed 30 days after all necessary documents have been submitted to the PSDA.

The table below presents the number of residence permits issued in 2015-2017 by the PSDA on the ground of family reunification.

Year	Family Reunification
2015	2,636
2016	1,694
2017	2,190

Paragraph 7. Equality regarding legal proceedings

GoG response:

Asylum-seekers, refugees and humanitarian status holders are guaranteed with relevant legal standard for protecting their asylum claims or granted international protection statuses in Georgia. Ministry of Internal Affairs of Georgia states in writing the reasons for granting or denial of either refugee or humanitarian statuses. The decision on granting or denial of refugee or humanitarian statuses is based on the material facts of the claim, and evidences grounding decision. The Applicant is informed regarding any kind of decision made during asylum procedure. Competent official contacts the asylum-seeker by sending her/him notification on addresses, by telephone or other technical means; records the minutes of such communication and signs it duly. Consequently, the decision with relevant justification is sent to an asylum-seeker within 3 days period (in Georgian and in the language an asylum-seeker understands), with a reference to the appeal procedure and to the possibility of the provision

of the free legal aid service pursuant to the Law of Georgia on Legal Aid. Asylum-seekers, refugees and humanitarian status holders can enjoy free legal aid regarding the claims that concern their application on international protection or granted international protection statuses in Georgia.

Notably, where the application on international protection of family members is based on the same grounds, MIA takes one single decision, covering all family members or dependents, if otherwise decided based on state security considerations or exclusion clauses.

Any decision of MIA made during the Asylum Procedure can be appealed within one-month period of time after official notification of the decision to the asylum-seeker, in accordance with Georgian legislation. Before a final decision of the Court, asylum-seekers enjoy the rights and guarantees provided by the Law of Georgia on International Protection.

If the first instance Court rejects the claim of the asylum-seeker, she/he is allowed to appeal the decision in the second instance Court that makes final decision regarding the asylum case.

Paragraph 8. Guarantees concerning deportation

GoG response:

Article 51.1 (c) (d) (e)(g) of the law on Legal Status of Aliens and Stateless Persons is in conformity with the requirements of Article 19(8) of the charter. More precisely, any case of expulsion is proportionate and processed individually. In addition, aliens have right to appeal expulsion decision before the court.

If alien agrees to undergo relevant treatment, he/she is not considered to be a risk to public order, consequently there will be no ground for his/her expulsion on this basis.

According to the General Administrative Code of Georgia, after detecting grounds for expulsion within 10-business day an authorized body conducts administrative proceedings including collection of appropriate information and documents from relevant state agencies for the purpose of determine legal grounds of aliens, interviewing of aliens, etc. In addition, within this period MIA should prepare expulsion decision or motion on expulsion to submit it to a court..

In addition, within this period MIA should prepare expulsion decision or motion on expulsion to submit it to a court. According to the Georgian legislation, any expulsion decision made by court or MIA can be appealed to the court or to the higher court. In 2015-2017, MIA rendered 144 expulsion decisions out of the 217 decisions.

Statistical data on appealed expulsion decision are as follows:

Year	Migration Department	Court
2015	8	0
2016	3	3
2017	3	2

Paragraph 10. Equal treatment for the self-employed

GoG response:

The Georgian labour or any other legislation does not regulate employment related issues. However, draft Employment Service Act has been elaborated with support of EUVEGE³ project. The Act shall govern employment-related activities and institutions competent for employment affairs, Active Labour Market Policy measures, rights and obligations of the unemployed persons and employers, and other matters relevant to employment, in order to raise employment, to combat and prevent long-term unemployment in Georgia, etc.

Paragraph 11. Teaching language of host state The Committee takes note of the information contained in the report submitted by Georgia.

GoG response:

General Education

The Ministry of Education and Science of Georgia implements "**Georgian Language Training sub-program for asylum seekers, and the persons with the status of refugee or humanitarian**", which includes teaching Georgian language to the asylum seekers and the persons with the status of refugee or humanitarian under the age of 18. So that they are able to proceed getting education smoothly in general education institutions. Currently 66 students of the status mentioned, are enrolled in the Georgian language training program. Much interest is expressed towards the program, foreign students are eagerly studying Georgian language, which on the one hand, helps them overcome the communication problem and, on the other hand, gives them the opportunity to obtain general education.

³ EU Technical Assistance Project on VET and Employment Reforms in Georgia

Higher Education

There is **the 1+4 program** implemented since 2010, which supports the ethnic minority university entrants in receiving higher education. The program is one of the initiatives of the Ministry aimed at providing quality education to the ethnic minority students. Quotas are defined specially for ethnic minority groups for national unified exams, they are asked to take a general ability test in their own languages (Azerbaijani, Armenian, Abkhazian and Ossetian), on the basis of which the students are enrolled at preparatory programs. Furthermore, the students will take up a yearlong intensive course in Georgian Language; afterwards, they will be enrolled at the faculties of their choice. Receiving a higher education in Georgian language proves to be an effective tool for building a career for the ethnic minority population. More students are taking an interest to study the state language and then take the unified exams in Georgian language. Number of students funded under the program is 100 Azerbaijani and 100 Armenian students annually.

Zurab Zhvania School of Public Administration operating under the umbrella of the Ministry of Education, Science, Culture and Sport of Georgia continued its successful work on **improving the level of knowledge of the official language for refugees** and promoting their career advancement as well as integration into the social life of the country, implementing the Official Language Teaching Program.

The program is implemented in the Integration Center of the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

In the course of 2017, the Official Language Teaching Program was joined by 100 beneficiaries (among them 5 from Syria, 3 from Egypt, 8 from Ukraine, 77 from Iraq, 2 from Tajikistan, 2 from Libya, 1 from Pakistan, 2 from Yemen).

In January-July period of 2018, 28 beneficiaries were enrolled in the Official Language Teaching Program (among them 5 from Syria, 27 from Iraq).

In 2018, the school is implementing the **project “Promoting Professional Education for National Minorities”** aimed at promoting national minorities to actively engage in the process of professional education, to fully master their desired profession. Within the framework of project, 10 groups were created to provide a B1+ level Georgian language textbook enriched by a particular field aimed vocabulary.

To enhance access to and promote the official language of Georgia, a complete set of education resources were developed for foreign learners under the **Irbakhi program** for teaching Georgian as a foreign language, planned works were completed and uploaded on the www.geofl.ge website. The deliverables include: the Aghmarti Georgian language textbook

for foreign learners (A2+, B2, and B2+ language proficiency levels), adapted reading materials (B1, B2, and B2+ language proficiency levels), Self-Evaluation Scales for Learners, and the Learning Explanatory-Translation-Audio Electronic Dictionary (B1.1 language proficiency level). Throughout the year, the website had 27,000 users.

Paragraph 12. Teaching mother tongue of migrant

GoG response:

General education

Language education for non-Georgian schools/sectors

1. The priority of the schools, where minority language students go, is to develop literacy in the state language, one of the elements of which is a bilingual education. Bilingual education implies the use of two languages in the teaching and learning process, which forms the basis for bilingual literacy.

2. While introducing the bilingual education model, the school should provide students with the opportunity to master the literacy in the native language in accordance with age. The educational content of each subsequent phase of introduction of bilingual education, should be based on the knowledge and skills acquired at the previous stage

If the students of national minorities study at the Georgian school/sector, the school is entitled to offer the students teaching of the native language in the same or different hourly manner than provided by the hourly schedule of non-Georgian school/sector for the "national minority language". For this subject a group of students can be grouped from one or more classes and their number should be at least 10. In case of introducing this subject, the information mentioned should be reflected in the school curriculum. The assessment shall be carried out in accordance with the procedure laid down in paragraphs 1 and 2 of Article 31 of this plan.

Introducing other non-densely populated minority languages (Russian, Ukrainian, etc.) can be organized by the school within the school-educational services.

Number of non-Georgian speaking sectors and schools:

1. Russian 11
2. Azeri 91
3. Armenian 118
4. Georgian-Azeri 31
5. Georgian-Russian 31
6. Georgian-Armenian 9
7. Georgian-Russian-Azeri 1
8. Georgian-Russian-Armenian 1
9. Azeri-Russian 1
10. Armenian-Azeri 2

(Regions: Tbilisi, Imereti, Samegrelo, Kakheti, Samtskhe-Javakheti, Adjara, Kvemo Kartli)

Vocational Education

The Ministry of Education, Science, Culture and Sport developed the mechanisms assisting the ethnic minorities to have access to VET. The tests of admission were translated into Russian, Azerbaijani and Armenian languages. Since 2016, any person including ethnical minorities have the opportunity to pass admission tests in their native language (Russian, Azerbaijani and Armenian). In addition, the adaption of entry procedures to their needs, continued with creation of opportunity to learn Georgian language module for one semester that enables the persons to continue learning the profession from the 2nd semester.

Currently the only precondition of entering the VET programs at public VET institutions is to pass state exams (VET test), alternative procedures are defined for persons with special educational needs. In the autumn 2018, the Parliament of Georgia adopted the new law on Vocational Education, which was developed by the Ministry of Education, Science, Culture and Sport. New law eradicates the dead ends existing in the system, ensures life-long learning principle, increases the access to VET for all groups of population etc. The law also defines the alternative entry procedures for people having educational documents of foreign country. According to the new law, enrollment shall be carried out in accordance with the procedure

established by the relevant educational institution and not based on the results of centralized VET tests.

Article 27. Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 1. Participation in working life

GoG response:

The Government of Georgia adopted a Resolution N199 “State Strategy of Labour Market Formation and its Implementation Action Plan 2013-2014/Action Plan 2015-2018”. All activities/programs/measures are envisaged in the strategy and its action plans.

Establishment of the structural unit of the Employment Programs Department in 2013 was followed by the following stages of promotion of employment: intermediary services, group counselling/trainings for job seekers throughout Georgia, covering the following topics: finding job, self-assessment, writing resumes and cover letters, interview techniques, self-presentation skills, etc.

Since 2015, LEPL Social Service Agency of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia is implementing the Employment Assistance Services Development Program, which aims to develop/implement the active labour market policy and employment support services in the country. This program combines many services related to promotion of employment such as:

- 1. Development of the labour market management information system (www.worknet.gov.ge);**

The labour market management information system – www.worknet.gov.ge was launched in 25 December 2013, where registration is available online and in the territorial units of the Social Service Agency all over the country. The registration at the portal is voluntary and free of charge. Each year the portal develops and the system is extended by adding the modules for registration of employers and vacancies and database development, as well as automatic compatibility of job seekers and vacancies, and statistical information modules. Also, a plan for registration of employers, vacancies and database development have been developed within the system. As of 31 December 2017, in total 113,969 active job seekers is registered at the portal.

2. Providing individual and group consultations at municipal level on the labour market

In order to get familiar with the rules of conduct in the labour market, job seekers in all district departments of the LEPL Social Service Agency are provided with individual and group consultations.

In 2015, individual consultations were rendered to 15309 job seekers, while 1939 job seekers participated in group consultations.

In 2016, individual consultations were conducted for 3072 job seekers, while 1277 job seekers participated in group consultations.

In 2017, individual consultations were conducted for 5187 job seekers, while 1068 job seekers participated in group consultations.

3. Providing and developing intermediary services

The purpose of the abovementioned activity is to facilitate operational and effective communication between employers and job seekers and/or facilitate such communication, in order to find free vacancies and employ job seekers.

In 2015, the employers proposed 2859 vacancies to LEPL - Social Service Agency to provide intermediate services. Within the vacancies, 2473 applicants were selected and sent to employers, and 192 job seekers were employed as a result of intermediary services.

In 2016, the employers proposed 3980 vacancies and the job seekers registered within the system were informed about these vacancies. Within the vacancies, 2899 job seekers were selected and sent to employers. In total, 216 persons were employed within the intermediary services.

In 2017 employers proposed 5711 jobs. Within the vacancies, 2469 job seekers were selected and sent to employers, out of which 399 job seekers were employed.

4. Providing professional counselling and career planning services at municipal level

The aim of the abovementioned activity is to develop professional counselling and career planning services at Tbilisi and regional territorial units of Social Service Agency.

In 2016, the specialists of professional consulting and career planning of the Social Service Agency provided career planning and professional counselling services to 201 job seekers;

In 2017, the specialists of professional consulting and career planning of the Social Service Agency provided career planning and professional counselling services to 493 job seekers.

5. Developing and implementing mechanisms for promoting employment of vulnerable and non-competitive groups (through piloting of employment promotion models - adaptation of jobs and subsidising labour remuneration)

The purpose of the aforementioned activity is to introduce employment opportunities for vulnerable and non-competitive groups. Two components are included in the activity:

1. Formation of a group of employment support consultants

In 2016, the Social Service Agency selected 10 employment support consultants (Tbilisi -3, Batumi-2, Kutaisi-1, Telavi-1, Gori-2, Lanchkhuti -1) and a (1) coordinator. With their direct participation, job seekers have been selected and involved in the funding program.

In 2016-2017, support services were provided to 519 IDPs (including filling up of professional staff), out of which in 2017 the support services received 385 IDPs (Tbilisi - 150, region - 235), and 142 beneficiaries were provided with individual support counselling when Resumes (CVs) were made for them.

In 2017, in total 42 persons with disabilities were employed within the scope of the intermediary service of vulnerable and non-competitive groups, namely in Tbilisi – 13, in Adjara – 15, in Shida Kartli – 6, in Guria – 3, in Kakheti -3 and in Imereti -2.

2. Funding component of jobs

Within the scope of this component, employment support consultants, together with NGOs, have identified and prepared the registry of employers where the funding component of jobs was implemented. As a result, 12 organisations were involved in the funding component, where jobs for 19 persons were subsidized.

In 2017, the consultants held around 70 information and work meetings with employers, NGOs and local self-government representatives throughout Georgia. As a result of meeting with employers, employment support consultants have found 134 vacancies for people with disabilities.

In addition, with the support of employment consultants in 2017 in total 23 employers and 53 disabled persons were involved in the funding component. After the completion of the funding, 22 persons are employed.

6. Setting up of employment forums

Since 2014 the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia is organising and supporting an employment forum which aims at establishing a direct contact between employers and job seekers.

On 20 September 2014, the Department of Employment Programs organised an employment forum where 141 employers and 10 professional colleges participated and 3814 vouchers were issued. More than 180 job seekers were employed, based on the three-month monitoring after the Forum.

In 2015 - the two employment forums were held: on 10 July in Kutaisi for the region of Imereti and on 21-25 September in Tbilisi and the region of Kakheti (Telavi) - “Vacancy Week”; In total, 74 employers and about 2000 job seekers took part in the Employment Forum in Imereti, where 125 job seekers were employed according to five-month monitoring results, while 58 employers and 1335 job seekers participated within the “Vacancy week”. Within the “Vacancy week”, there were 264 vacancies. According to three-month monitoring results, 40 job seekers were employed;

In 2016 – as a whole, 10 employment forums were conducted with the participation and organisation of Employment Programs Department during 2016. The participant companies were: the Company GPI, “Regional Development for Future Georgia” (RDFG), Association “Atinati”, GWP, International Centre for Education. Within the framework of cooperation with Kutaisi Education Development and Employment Centre, 4 forums were held to facilitate the employment of persons with disabilities (Tbilisi, Batumi, Kutaisi, Telavi).

Based on the monitoring results, 249 job seekers were employed from those job seekers who participated in the above-mentioned 10 employment forums (according to telephone surveys - 117), including 34 persons with disabilities.

2017 - During the year 2017, in total 13 employment forums were conducted with the participation of the Employment Programs Department and one more forum was organised directly by the Department (including one youth employment festival). The participant companies were: the Company GPI, Company GWP, EU and Education Development and Employment Centre, HR hub, studentjob.ge and the project “Future Is Your 2017”, on behalf of the Education and Employment Exhibition.

7. Conducting and monitoring of qualitative studies, at least once a year in order to identify the required professions, knowledge and skills in the labour market

The aim of the abovementioned activity is to identify the professions, knowledge and skills required on the labour market. In 2017, Employment Programs Department of the LEPL Social Service Agency carried out the qualitative research of the labour market with the support of the European Technical Assistance Project.

8. Organisation of trainings/seminars on employment topics for the purpose of raising awareness of representatives of mass media and public stakeholders (local non-governmental/international organisations, social partners, employers, private employment agencies)

Trainings/seminars are annually organised with the participation of regional and central media representatives and interested persons in order to familiarize with all activities, programs and existing services supporting employment and to promote awareness and communication. It is noteworthy that in 2017, Employment Programs Department of the Social Service Agency signed a memorandum of cooperation with Radio Imedi. Within the framework of the Memorandum of Cooperation, information on employment support services was covered daily with the help of Radio Imedi.

9. Arranging a summary conference on closer cooperation with social partners in relation to employment promotion issues and existing problems

Summary conferences are held annually, with updated information on labour and employment support issues. Representatives of the EU Delegation to Georgia, Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, Social Service Agency, Employers Association, Trade Unions, International Organizations, Private Colleges Association, Employer Companies and other partner agencies are invited to the conference. It is worth mentioning the summarising conference of 2017, where best employers and partners of the year were awarded special prizes. Also, the diplomas have been awarded to employees of the Employment Component in the Regional Centres of the Agency.

As to the professional training program, since 2015 the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia has been implementing the State Program for Professional Training/retraining and Qualification Raising of Job Seekers. The program aims to improve the competitiveness of job seekers by

their vocational training-retraining in the demanded professions of the labour market and further internships in the workplace and thus, facilitating employment of job seekers⁴.

The program is implemented by the LEPL Social Service Agency and is supported by the Ministry of Education and Science, Culture and Sport of Georgia that provides private and public vocational institutions with the information on this initiative and coordinates the process of developing short-term professional programs for educational institutions.

The citizens of Georgia who are older than 16 and able to work, as well as the stateless having status in Georgia, persons with refugee or humanitarian status are entitled to use the program. A person interested in the program must be registered as a job seekers in the Labour Market Management System www.worknet.gov.ge.

Under other equal conditions, the preferential right to use the program is given to:

- Persons with special educational needs that are confirmed by the Multidisciplinary Team of Inclusive Education of the Ministry of Education and Science of Georgia;
- Persons with disabilities, as evidenced by the relevant document;
- Internally displaced persons - IDPs;
- Socially vulnerable persons whose rating score does not exceed 100,000;
- Returned migrants from the return of which has not passed more than 1 year;
- Persons involved in the rehabilitation and re-socialization program of former prisoners released from penitentiary institutions;
- Probationers;
- Persons of 16 to 18 years of age under state care and also persons who are no longer under the state care;
- Veterans of war and military forces defined by the Law of Georgia on War and Military Veterans;
- Women;
- Persons with refugee or humanitarian status;
- Persons with special educational needs and persons with disabilities, who are granted professional qualifications;
- Persons legally residing in the occupied territories of Georgia;

⁴ In order to identify existing and expected tendencies of the Labour Market demand component, in 2015 the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia initiated and conducted a survey of the Labour Market demand component.

- Ethnic minorities.

Duration of the Short-term Course is determined from 2 to 4 months. One voucher shall be issued per each participant to cover the tuition fee, the maximum value of which is 1000 GEL. In order to increase access to short-term programs, for persons with special educational needs and persons with disabilities the maximum value of one voucher shall not exceed 1,500 GEL, taking into account additional services.

In case of internship, state scholarships shall be granted to those who are sent to internships. The amount of state scholarship per beneficiary is determined in the amount of 150 GEL per month, while the maximum duration of the internship is 3 months.

Statistical information of Program implementation

In 2015, within the scope of the training-retraining component of the State Program for Professional Training and Retraining and Qualification Improvement of Job Seekers, 601 job seekers were awarded educational vouchers and 415 job seekers completed a full course, out of which 35 job seekers have been employed. In 2015, within the frames of the internship component, 2 job seekers with disabilities were sent to internships, and after its completion one of them has signed a labour contract.

In 2016, within the scope of the training-retraining component of the State Program for Professional Training and Retraining and Qualification Improvement of Job Seekers, 2125 job seekers were awarded educational vouchers and 1804 job seekers completed a full course, out of which 534 job seekers have been employed, including 14 persons with disabilities. In 2016, within the internship component, 47 job seekers were sent to internships, 21 job seekers signed a labour agreement, including 11 persons with disabilities.

In 2017, within the scope of the training-retraining component of the State Program for Professional Training and Retraining and Qualification Improvement of Job Seekers, 2360 job seekers were awarded educational vouchers and 2130 job seekers completed a full course, out of which 551 job seekers have been employed. In 2017, within the internship component 41 job seekers signed a labour agreement.

In 2017, within the scope of the internship component of the State Program for Professional Training/retraining, and Qualification Raising of Job Seekers out of 129 interns, 41 were employed.

As for the professional orientation, by Ordinance N721 of 26 December 2014 the Government of Georgia approved the 2015-2017 Action Plan for the Development and Implementation of the Concept on Universally Accessible Service of Continuous Professional Consulting and

Career Planning in Georgia, which aims to provide the development of commonly available services for continuous professional counselling and career planning in the country.

On 30 December 2015, with the purpose of practical and effective implementation of the Concept, the Government of Georgia by its ordinance №676 approved the comprehensive service standard of professional counselling and career planning and sub-standard of professional counselling and career planning for job seekers.

The purpose of introduction of the service standard for professional counselling and career planning is to elaborate the baseline requirements of service, as well as supply rules and forms in Georgia. Based on the stated, it will be possible to deliver the service of one standard by different providers.

2013, after implementation of the Universal Healthcare Program, service coverage has increased significantly and rapidly from 29.5% of the population in 2010, to about 40% by the end of 2012 and up to 99.9% by 2014. The program beneficiary has the right to choose a healthcare facility throughout Georgia. The program beneficiaries are Georgian citizens, holders of a status-neutral ID, a status-neutral travel document; as well as stateless persons in Georgia, persons with refugee or humanitarian status and asylum-seekers. Basic package covers planned outpatient, emergency outpatient and hospital services, planned surgical services, oncological diseases treatment and childbirth. The program also provides funding for essential drugs for target groups of the population. The program does not provide restrictions on the use of healthcare services for workers on leave due to family responsibilities.

See comment on first paragraph of the sub-paragraph 5 of the Article 8.

Pursuant to the Law of Georgia on “Public Service”, a female officer may not be dismissed during the period of pregnancy or the period of raising a child aged up to 3 years old due, to the reorganization and/or merger of the public institution with another public institution (article 116).

As already mentioned above, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia is working on the amendments to the labour legislation in compliance with the EU directives (envisaged in Annex XXX of the EU-Georgia Association Agreement) related the regulation of part-time work.

Pursuant to the same Public Service Law Upon submission of documents evidencing a medical examination, the hours of absence of an officer from work due to medical examinations during pregnancy shall be considered as excusable and she shall retain her salary (article 64(5)).

Paragraph 2. Parental leave

GoG response:

Pursuant to the Law of Georgia on “Public Service”, officers shall be granted a maternity leave of 730 calendar days based on their application. 183 calendar days of a maternity, or 200 calendar days in the case of complicated childbirth or twinbirth, shall be compensated. Compensation shall be paid from the budget of the public institution concerned in the amount of the officer's remuneration.

Officers may distribute the period of the leave between the pregnancy and postnatal periods, as they consider necessary. Officers who have adopted a child under the age of 1 shall, on the basis of the irapplication, be granted an adoption leave of 550 calendar days from the birth of the child. 90 calendar days of this leave shall be compensated. Compensation shall be paid from the budget of the public institution concerned in the amount of the mofficer's remuneration.

Only the parent actually taking care of an adopted child may enjoy the adoption leave. In that case, an officer shall be granted a leave of 550 calendar days, 90 calendar days of which are paid, provided the child's mother has not used the leave.

Paragraph 3. Illegality of dismissal on the ground of family responsibilities

GoG response:

In the reference period, since amendments to the Labour Code in 2013, there was only on case discussed by the Supreme Court in relation to dismissal during the period of maternity leave. The case was about a schoolteacher. The teacher was dismissed during the period of her maternity leave when a school principle has been changed and another teacher appointed on her place. The court concluded that employer did not have a legal ground for a dismissal.

Note: understanding of the committee regarding existence of any ceiling is correct, as the law does not impose any ceiling to the compensation in discrimination cases.