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**CHARTRE SOCIALE EUROPEENNE**  
**(révisée)**

1<sup>ère</sup> Rapport national sur l'application de la Charte Sociale  
Européenne

soumis par

***LE GOUVERNEMENT DE GEORGIE***

(pour la période du 1 octobre 2005 au 31 décembre 2006 )  
Sur les articles 1 §§1, 2, 3, 4, 10, 15.3, 18 §§ 1, 2, 3, 20, 27, 28 et  
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## REPORT of GEORGIA

### ARTICLE 1: THE RIGHT TO WORK

#### ARTICLE 1 PARA 1.

“With a view to ensuring the effective exercise of the right to work, the Parties undertake: to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;

#### Question A

In 2006 similarly with the last years, large-scale economic development was observed. It should also be mentioned that the macroeconomic results would have been better if not a trade embargo and transport blockade imposed by Russia in respect of Georgia, as well as the acute problems in agriculture caused due to the lack of farming and low level of mechanization and automation.

As the result of the improved macroeconomic environment during the last years, including 2006, the tendency of economic development has changed to a great extent. In particular, according to the data of the State Department of Statistics, in 2006 the volume of GDP in the country equaled 13786.9 million GEL in current prices (7778,2 USD). Its real increase as compared to 2005 was expressed by 9.4%. The volume of the GDP per person equaled 3124, 5 GEL (1740.4 USD) in current prices.

One of the main factors of economic growth is still the development of financial sector, which increased by 40,4% as compared to 2005.

2006 can be also considered as successful fiscal year. In 2006 as compared to 2005, the revenues of the state budget (including grants) increased by 36.0 %, out of which tax income increased by 30.6 %, non-tax income by 60,5%, grants by 86,5%, capital income by 62,1 %.

In 2006 the revenues of the total budget as compared to the GDP equaled 32,1 %, while in 2005 the similar indicator equaled 28.0 %. Tax income totaled 22,8 % as compared to the GDP, while in 2005 it comprised 20,8 %. The given results are reached against a background of the increase of the level of administration and liberal tax policy.

Against the background of successful fiscal and monetary policy in 2006, a 8,8 % growth of consumer price was observed.

According to the data of the Statistics Department, the direct foreign investment to the country increased 2, 6 times as compared to 2005 and equaled 1147.3 million USD, which was reached by the improvement of investment environment.

In 2006 the foreign trade turnover of Georgia constituted 4674,3 million USD, which is more than the similar indicator of the last year by 39.3 %, out of which export is 993,1 million dollars (more by 14,7 %), and import -3681,2 million dollars ( more by 47,9 %). In 2006 the negative trade balance of Georgia made up 2688,2 million USD or 65,5 % less. It was to a great extent affected by the embargo imposed by Russia on Georgia.

#### GDP - real growth and structure

According to the data of the State Statistics Department, in 2006 the total volume of GDP in the country equaled 13783,9 million GEL (7778,2 USD) in current prices. Its real increase as compared to 2005 was expressed by 9.4 %. The volume of the GDP per person equaled 3124, 5 GEL (1740.4 USD) in real prices.

The average annual growth of GDP during 1997-2006 was in the range of 6,3 %.

The financial sector was rapidly developing during 2006. The speed of growth observed in this sector was the highest as compared to other sectors of economy. In 2006 the real speed of financial sector made up 40,4 % as compared to the previous year. The speedy development of the bank sector was to a great extent determined by the growth of the volume of credit lines from abroad. Although it should also be mentioned that the share of the financial sector in the GDP is still low (2,3 %) and so it cannot have a substantial effect on the total speed of growth. Although this share grew from 1,5 % of the GDP (2003) to 2,3 %.

The development of construction sector was still stable. In 2006 in the construction was created additional value which was 9,9 % higher as compared to the similar period of the last year. The development of the construction sector was largely assisted by the long-term loans provided by the bank sector and large scale state funding of the construction and repayment of roads.

Agriculture still holds largest share within the countries economy (11,3 %). Additional value created in the agriculture decreased by 9,3 % during 2006, which was to a great extent caused by the embargo of Russia on agricultural products as well as damage caused by floods and droughts, and lack of mechanization, etc.

Having in mind several different speeds achieved in the development of certain fields of national economy, as compared to 2005 the GDP sectoral structure experienced certain correction. In particular, the share of the additional value created in the sector of agriculture (including forestry and catching fish products) decreased from 14,8 % to 11,3 in the total volume of GDP. The first position during years hold by the agriculture sector was replaced by trade and the latter's share reached 13% in 2006, while in 2005 it equaled 12,0%. The additional value share created in construction decreased from 8,1 % to 6,8 %. The tax share increased from 12,1 % to 13,1 %, the government administration expenditures increased from 6,5 % to 8,6% and no other important changes took place.

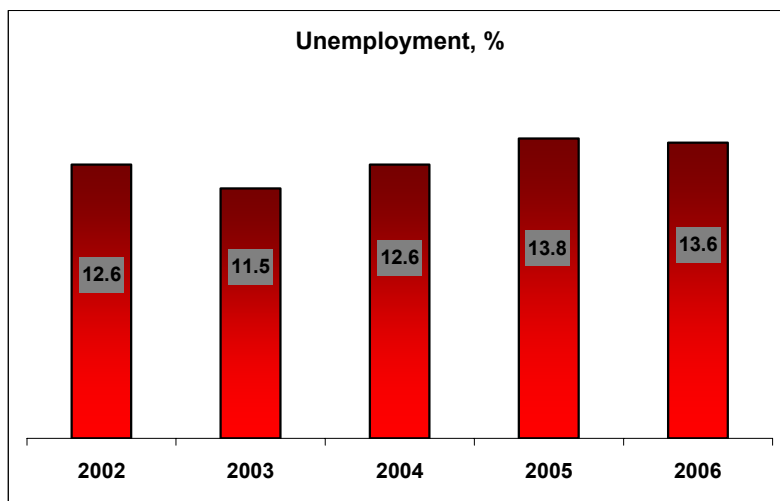
In 2006 the level of unemployment was 13,6 %. Majority of employed are self-employed and this proportion remains unchanged during the years.

2002 - 1839,2 thousand are employed, out of which –35,4% are hired, 64,6% are self-employed, the level of unemployment is 12,6%.

2003 - 1814,9 thousand are employed, out of which –34,1% are hired, 65,9% are self-employed, the level of unemployment is 11,5%.

2004 - 1783,3 thousand are employed, out of which –33,7% are hired, 66,3% are self-employed, the level of unemployment is 12,6%.

2005 - 1744,6 thousand are employed, out of which –34,4% are hired, 65,6% are self-employed, the level of unemployment is 13,8%.



The Public Employment service was established in 2001 on the basis of the laws of Georgia, “On Legal Entity of Public Law” and “the Employment Act”.

The main functions of the service were:

- Registration and monitoring of job seekers;
- Obtaining information on available vacancies and creation of a data base;
- Informing job-seekers and employers about the main directions of the state employment policy;
- Organizing job-matching;
- Promoting vocational training, retraining and therefore building capacities of job-seekers;

In order to carry out the activities envisaged by the decree No.: 157 of the Government of Georgia, dated 23<sup>rd</sup> October, 2004 (which including cash benefit for the families beyond the poverty line), the Ministry of Labour, Health and Social Affairs was mandated to assist the reorganization of the Public Employment Service” and to create a new structural unit on its basis. The Amendments to “the Employment Act” were adopted by the Parliament on 29<sup>th</sup> December 2004, on the basis of which the ”State Agency of Social Assistance and Employment” was established.

The functions of the agency were:

- Gathering statistical data on the labour market;
- Obtaining information on available vacancies and creation of a data base;
- Informing job-seekers and employers about the main directions of the state employment policy;
- Organizing job-matching;
- Promoting vocational training, retraining and therefore building capacities of job-seekers;
- Identifying persons receiving unemployment benefit and preparation of a proposal on the social security measures and implementation of related programs.

In 2007 additional step is planned targeting unification of all social services into one agency.

The unification process is ongoing and the detailed information on the mandate and the functions of the mentioned agency will be provided in the next report.

In order to regulate employment the „State Program for Social Security and Employment of the Unemployed” has been worked out on annual basis during 2001-2006. Its main components were: support creation of new work places and maintenance of the existing ones, vocational training/re-training of unemployed, organization of public works for temporary employment, job-subsidize, social security of the unemployed (providing unemployment benefits).

In order to carry out preventive measures against unemployment the “State Program for Social Security and Employment of the Unemployed” has been funded from state budget on annual basis.

In 2002 the budget of the above-mentioned state program equaled 4 570 000 GEL and included following components:

1. Temporary and permanent employment program for the unemployed;
2. Vocational training and retraining program for the unemployed;
3. Unemployment benefit.

55-60% of the expenditure was spent on the active employment policy programs during 2002.

In 2003 the budget of the “State Program for Social Security and Employment of the unemployed” equaled 4 575 000 GEL and included following components:

1. Temporary employment program for the unemployed;
2. Employment Assistance program;
3. Vocational training and retraining program for the unemployed;
4. Unemployment benefit.

60% of the total expenditures were spent on the active employment policy programs during 2003.

In 2004 the budget of the “State Program for Social Security and Employment of the Unemployed” equaled 4 300 000 GEL and included:

1. Temporary employment program for the unemployed;
2. Employment Assistance program;
3. Vocational training and retraining program for the unemployed;
4. Unemployment benefit.

40% of the whole expenditure was spent on the active employment policy program during 2004.

In 2005 the budget of the “State Program for Social Security and Employment of the Unemployed” equaled 1 700 000 GEL and included:

1. Temporary employment program for the unemployed;
2. Vocational training and retraining program for the unemployed;
3. Unemployment benefit.
4. Program for cooperation with the UNDP (business incubator).

35% of the whole expenditure was spent on the active employment policy program during 2005.

Since the end of 2005 a new social program started in Georgia – The Targeting Social Assistance Program for the population beyond the poverty line. The given program was carried out by the State Agency for Social Assistance and Employment, which at the same time carried out the program for social and employment assistance for the unemployed. The given fact caused lack of finance for the employment programs as compared to the former years. One third of the population of Georgia actually found themselves in the databases of social assistance, and the amount of the beneficiaries of the program constituted up to 400 000 households.

In 2006 there was allocated 200 000 GEL by the state budget for the unemployment benefits.

Since the 3<sup>rd</sup> quarter of 2006 the State Agency for Social Assistance and Employment carried out a new employment program, the budget of which made up 24 million GEL.

As the result of the analysis of the labour market in Georgia labour force with low skills and the decrease of qualification caused by the long period unemployment appeared to be the most urgent problem. Apart from that, at the current stage it was considered expedient to re-train job-seekers at the work place in accordance with the requirements of the employers. 50 000 beneficiaries took part in the state program of on job training. It must be mentioned that the amount of applicants exceeded 100 000. The increase of the qualification of the beneficiaries was carried out for 3 months, practically in all fields of economy. Apart from that, the state financed the scholarships of the beneficiaries, which constituted 150 GEL per month. It should be mentioned that 58% of the participants were women, and the youth aged up to 30 made up 55%. Correspondingly, the expenditures for the active employment policy constituted 99%.

In 2007 The Ministry of Economic Development began financing SME with low rate loans with the view of creation of new work places, aimed a development of the tourism sector.

The program envisages financing with low lax loans of those who are involved in SME, as well as the entrepreneurs who want to start there own business, which will facilitate a development of infrastructure in the regions of the country and an increase employment.

The program stipulates for the allocation of a loan for the partner commercial bank from the state budget, which at the same time will fulfill the issue of small loans on the basis of choosing the best business plans presented. The volume of the loan is up to 50 000 GEL, for the period of not more than 5 years. The total loans resource constitutes 5 million GEL.

At least up to 20 per cent of the total loan resource is envisaged for the financing of the start-up business. The program also stipulates for the training free of charge for managers of the beneficiary enterprises of the program in the field of marketing and management, as well as free consultations.

In 2006-2007 The Tbilisi municipality carried out a youth employment program in which participated up to 5000 young people.

In the recent years commencement of the Millenium Challenge Program was one of the most important events for Georgia.



During the last years beginning the Millennium Challenge Program was especially important event in Georgia. 5 years agreement of the Millennium Challenge Program (“Compact”) was formed between the governments of Georgia and United States of America on September 12<sup>th</sup> 2005. After the program ratification by the Parliament of Georgia (October 28<sup>th</sup> 2005) as a result of intensive working of “MCG” almost 40 preliminary terms of entering the program into power were satisfied. This program came into the force on April 7<sup>th</sup> 2006. Priorities accepted as a result of wide scaled consultation process in Georgia were compared with the state priorities, according to which was prepared the announcement to present at the corporation. Special priorities as a result of financing were formed in two components of “MCG” activity: I. Infrastructure rehabilitation and II. Enterprise development. Georgian Millennium Challenge Program aims to overcome poverty by the way of economical development. The above-mentioned program includes:

#### Component I: Regional Infrastructure Rehabilitation Project

Project 1. Samtskhe-Javakheti (S-J) Road Project Activity \$102.2 mln

Project 2. Energy Rehabilitation Project Activity \$49.5 mln

Project 3. Regional Infrastructure Development Project Activity \$60 mln

#### Component II: Enterprise Development Project

The Enterprise Development Project of the Compact totals \$47.5 million and includes the following two activities:

Project 1. Investment Fund Activity \$32.5 mln

Project 2. Agribusiness Development Activity \$15 mln

It should also be mentioned that by the initiative of the President of Georgia allocation of 100 million GEL is planned for the fulfillment of the active employment program, in which there will probably participate about 100 000 job-seekers. The beginning of the given program is expected to take place by the end of 2007.

#### Question C

In 2004 - 44973 job-seekers ( among them 21954 women) were registered in the Public Employment Service, 95% of whom are unemployed. During the year unemployment

benefits were assigned for 1518 (among them 914 women) unemployed, 3202 (among them 1036 women) got employed.

Occupational structure of the job-seekers is the following: specialists comprise about a half, workers-more than one third and the others are technical personnel.

During 2003-2004 the Public Employment Service registered 5818 vacancies, 19 % of which came on the private sector. According to the classification about a half was of the workers category, in all 3203 unemployed got jobs.

#### ARTICLE 1 PARA2

“With a view to ensuring the effective exercise of the right to work, the Parties undertake: to protect effectively the right of the worker to earn his living in an occupation freely entered upon;”

Elimination of all forms of discrimination in employment

#### Question A

The anti-discrimination policy in Georgia is based on the constitution of the country and such laws as: „Labour Code”, „On education”, „On VET”, „On Trade Unions”, „On legal status of Foreigners”, etc. The state provides for the observation of laws in this field.

In accordance with the Labour code of Georgia, „any kind of discrimination in connection with race, colour of skin, language, ethnic and social origin, nationality, origin, property or title status, place of residence, age, sex, sexual orientation, disabilities, belonging to a religious or any other union, family status, political or other opinions is prohibited in labour relations.” (Article 2, part 3). According to the same code, „During labour relations the Parties shall observe basic human rights and freedoms stipulated by the Georgian legislation.”(Article 2, part 6).

In accordance with paragraph one of Article 35 of the Constitution of Georgia “Everybody has the right to receive education and to choose its form”. In accordance to the same paragraph 3 of the same article, „the citizens have the right to receive vocational and higher education by state financing in accordance to the order established by the law.”

The foreigners and non-citizens, who are legally in the territory of Georgia, are provided with the same guarantees as the citizens of Georgia.” (“Law of Georgia „On the legal status of foreigners”).

In accordance with article 47 of the Constitution of Georgia “the foreigners and non-citizens residing in Georgia have equal rights of the citizens of Georgia, except for the exceptions stipulated by the Constitution and Law.”

In accordance with Article 142 of the Criminal Code of Georgia, the infringement of the equality of rights of persons based on their race, skin colour, language, sex, religious attitude, religious beliefs, political or any other opinions, their belonging to any national, ethnic, social, any title or public union, origin, place of residence or status of property, which substantially infringed human rights, is liable to a punishment of a fine or correctional service for the period of up to one year or arrest for the period of up to two years. The same action: a) with the use of official position; b) which caused a grave effect, is liable to the punishment of a fine or arrest for the period of up to three years, with the dismissal and deprivation of the right of activity for the period of up to three years or without it.

In accordance with Article 42 of the Administrative Code of Georgia, „Infringement of labor legislation and work safety rules by a functionary of an enterprise, institution, organization (regardless of its property or organizational-legal form), shall lead to a fine of a hundred minimal amounts of the salary. The same deed performed within one year as of the imposing of administration penalty will lead to a fine of the minimal amount of two hundred salaries.

#### Question B

In 2005 a government commission was created for social partnership in the field of vocational education. The given commission worked out a concept of vocational education, draft VET law. The commission also discusses social and economic policy. Up till now no other tripartite permanent commission functions. However the Ministry of Labour, Health and Social Affairs closely cooperates with the social partners in the questions of improvement of policy and legislation.

#### Question C.

In accordance with the Law of Georgia “On trade unions”, trade union defends the rights of its members to freely use their opportunities, to choose their occupation, receive a fair salary at least in the minimal amount established by the legislation. Discrimination of a worker by the employer due to his being or not being a member of trade union is not allowed. (Article 11, paragraph 6). In accordance with paragraph one of Article 27 of the same law “The infringement of the given law shall lead to a punishment in accordance with the legislation of Georgia”.

The right to establish a trade union and to become its member is guaranteed by the law of Georgia “On trade unions”(Article 2, paragraph 3).

According to the same law, „trade unions , trade union associations are independent from the state power and local government, employers, unions (associations) of employers, political parties and organizations, are not accountable to them and are not subjected to their control, except for the cases stipulated by the legislation: (Article 5, paragraph 1).

In the event of the restriction of right of the employee to join a trade union by the employer, the employee has the right to go to court (In accordance with paragraph one of Article 42 of the constitution of Georgia, „each person has the right to go to law in order to protect his rights and freedoms”).

#### Prohibition of forced labour

##### Question D

In Georgia the right of labour is guaranteed by Articles 30 and 32 of the Constitution of the country, which establish the freedom of labour. Forced labour is prohibited in the country.

According to Article 168 of the Criminal Code of Georgia, the encroachment upon the freedom of labour is liable to a penalty of a fine or remedial service for the period of up to one year or arrest for the period of up to two years.

##### Question E

In accordance with the Criminal Code:

Article 44. Labour which is useful for society

1. The labour which is useful for society means an unpaid labour of the convict in his free time, the type of which is defined by the local government.

2. The labour useful for society is assigned for the period from twenty up to four hundred hours. The daily duration of such labour is four hours. In the event the fine is substituted by the labour which is useful for society it can be assigned for a longer period.
3. If the convict refuses to carry out the labour which is useful for society or evades it, this penalty shall be substituted by the restriction of liberty or confinement. Apart from this, the time during which the convict served this sentence, shall be included in the period of serving the restriction of liberty or confinement with the following calculation: eight hours of the labour which is useful for the society- one day of restriction of liberty, one day of confinement (28.04.2006 No.:2937).
4. The labour which is useful for society shall not be assigned to the invalids of I group, pregnant women, a woman having a child whose age is up to seven years, person of retirement age as well as conscripts.

#### Article 45. Correctional Labour

1. Correctional labour is assigned for the period from one month to two years and is to be served at the work place of the convict.
2. During assigning correctional labour amount defined by the sentence of not less than five and not more than two per cent shall be deducted from the salary of the convict in favour of the state income.
3. If the convict evades correctional labour, this penalty shall be substituted by the restriction of liberty or confinement. Apart from this, the time during which the convict served his sentence, shall be entered in the period of the restriction of liberty or confinement with the following calculation: one day of correctional labour-one day of the restriction of liberty; three days of correctional labour - one day of confinement.

The legislation of Georgia stipulates for non-military alternative labour service, which is defined as the labour which is useful for society, substituting military service and which is based on the authentication of refusal to go through military service on the basis of the freedom of conscience and religious belief.

The types and places of alternative labour activity are defined by the Law of Georgia „On alternative non-military labour activity” (Article 5), in particular:

1. A citizen goes through non-military alternative labour service in the following specialized non-military-labour formations, in groups or individually:
  - a) Survival, ecological, fire-prevention or any other special non-military labour formations;
  - b) Construction, repair organizations and objects of civil purpose.
  - c) Organizations and objects, producing agricultural production;
  - d) Municipal service institutions;
  - e) Public health institutions.
  - f) Recruitment of the citizens of Georgia by the Commission for calling up citizens in non-military, alternative labour service, for the care for the old-aged, invalids, orphaned and according to the legislation, other socially unsecured people shall be considered as non-military alternative labour service.
3. By the decision of the President of Georgia, a citizen who goes through non-military, alternative labour service can be employed in the liquidation of the results of natural disasters, in seasonal works during harvest time and other works of non-military nature.

Article 6 of the same law defines the time periods of the non-military alternative labour service. In particular:

1. The term of the service in non-military alternative labour service are the following:
  1. The term for the non-military, alternative labour services are:
    - a) for people with higher education- 18 months;
    - b) For persons without higher education – 24 months.

Apart from this, today the obligatory military service for the citizens of Georgia constitutes 18 months.

#### Question F

In accordance with the current legislation of Georgia, illegal involvement in compulsory labour represents criminal offence. According to the alterations in the Criminal Code of Georgia (06.06.2003) the enticement, transfer, concealment, hire,

handing over, sheltering or receipt of persons with the aim of exploitation (the usage of a person for the purpose of forced labour or service) is liable to a penalty of confinement for the period of from seven to ten years (Article 143). The enticement, transfer, concealment, hire, transportation, handing over, sheltering or receipt of an under aged child with the aim of exploitation (the usage of a person for the purpose of forced labour or service) is liable to a penalty of confinement for the period of from eight to eleven years ( Article 143).

„In accordance with the Administrative Code of Georgia”, correctional labour represents one of the types of administrative punishment.

In accordance with Article 31 of the given Code, correctional labour is used for the period of up to six months and is to be carried out by the administrative offender at the work place. Simultaneously, up to twenty per cent shall be deducted from the salary in favour of the state. Correctional labour shall be imposed by the judge of the Regional (City) Court .

#### Question G

Paragraph 4 of Article 54 of the Law of Georgia „On confinement’ stipulates for the exceptional cases (During the avoidance or liquidation of calamity, accident at work or their results, to avoid an accident as well as for the accomplishment of the territory and buildings of the territory of detention), when the labour of the convict is allowed to be used outside the territory of the place of detention. The current legislation of Georgia does not stipulate for the norms which unambiguously prohibit the transfer of the convict to private persons, companies or societies so that he carries out work in their favour. The labour of convicts is used beyond the territory of the place of detention on the same conditions as it is inside the place of detention. The norms stipulated by the Labour Code of Georgia apply to them.

#### ARTICLE I PARA 3

„With a view to ensuring the effective exercise of the right to work, the Parties undertake: to establish or maintain free employment services for all workers;”

#### Question A.

See that part of the report which applies to paragraph 1 of Article 1 Question A

Unfortunately, as a result of the reorganizations carried out in the last years, today it is impossible to report concrete statistic data. Apart from this, it is possible to say that the total number of those who were employed by with the support of the Public Employment Service was quite small as compared to the total number of unemployment in the country, which was the reason for frequent reorganization of the Public Employment Service and working out of new programs. As it was mentioned above, in 2006 the public employment service carried out a program unexampled before, both in accordance with the number of beneficiaries and the sums allocated from the budget (50 000 job seekers, with a budget of 24 million). On a country scale more than 100 000 job seekers got registered in the employment service, 50 000 of whom were sent to the employer with the aim to increase their qualification. The experts observe that about 15% of the program beneficiaries remained at the work place after the increase of their qualification.

It is planned to carry out one more global program by the end of 2007, which will have a systematic nature in the years to follow.

#### Question B

The Public Employment Service, established in 2001, had 68 local offices in all districts of Georgia. As a result of reorganization carried out in 2005, 10 regional departments were created, which consisted of 68 district departments. There was a global database network provided at the regional level which was connected with the central office. The reorganization of the service has not been finished till today, we shall provide you with the detailed information in the next report.

#### Question C

Georgia has ratified C88 Employment Service Convention and C181 Private Employment Agencies Convention. In accordance with the Law of Georgia „On Employment” the private employment agencies were obliged to notify the Ministry of Labour, Health and Social Affairs about the commencement of their activities and to provide information about the work carried out quarterly. In the recent years 17 private employment agencies got registered at the Ministry. In 2006 with the adoption of a new labour code, the law of Georgia „on employment” was abolished. According



to the given code, the Ministry of Labour, Health and Social Affairs was charged with the task to work out an order of registry of the private employment agencies. At the present stage work is carried out with a view to formation of such order. It should be mentioned that the service of private employment agencies is not quite developed in the country yet and less than 1% gets employed with their support. In connection with the structural changes in the Public Employment Service, there is no coordination at the present stage between the Public Employment Service and the private employment agencies. Although, it should be mentioned that in 2005 a memorandum for mutual cooperation was concluded with several private agencies and the employment service supplied the registered job seekers for the private employment services in case of concrete demands.

#### Question D

Before the cancellation of the Employment Act, the law stipulated for the formation of a National Board of Employment, which apart from the representatives of authorities, comprised the representatives of employers and trade unions. The functions of the given board were working out employment policy and employment programs. The given subject is also regulated by paragraph one of Article 11 of the law „On trade Unions”, according to which trade unions participate in the process of working out and fulfillment state policy, and in accordance with paragraph four of the same Article, trade union carries out public supervision of the state of employment.

#### Question E

In accordance with the law of Georgia „on employment”, the principle of employment service was elimination of discrimination by the person’s social or property status, race, skin colour, religion, sex, age or political belief; up till now, a final provision of the new service has not yet been worked out, which will reflect the provisions eliminating discrimination.

ARTICLE 1. PARA. 4.

„With a view to ensuring the effective exercise of the right to work, the Parties undertake:

to provide or promote vocational guidance, training and rehabilitation.”

- a. vocational guidance;
- b.vocational training;
- c.vocational rehabilitation;

On May 8, 2007 the law of Georgia „On Vocational education” came into force. In accordance with the given law, there will exist two types of vocational education in Georgia: craft and higher vocational.

Craft education is a type of vocational education, which can be received after the completion of a basic stage, and the aim of which is the training of a certified specialist. And the higher vocational education is carried out on the basis of general education and its aim is to prepare graduates having a degree.

A craft vocational education shall be carried out in the vocational training centers. In all it is planned to create 36 of such vocational training centers. Out of these 11 of such centers have already been founded: new charters and staff lists have been prepared, the order of the receipt of students has been worked out, academic plans and programs have been updated, teachers and instructors have been selected and re-trained.

With the view to fully realize the right of receipt of vocational education, vocational training centers carry out vocational guidance, the aim of which is to carry out consultations with the interested persons, including school-leavers, vocational students and students about the opportunities of receiving vocational education, future vocational activity and employment conditions. With the view of carrying out vocational guidance the vocational training centers cooperate with the employers. All the eleven newly founded vocational training centers have vocational guidance specialists, who have received a relevant training. At present work is carried out on the national strategy of vocational guidance.

This year for the first time was announced admittance of school-leavers in higher vocational programs. By October 5 2007 12 accredited higher educational institutions have registered 3461 places for higher programs.

Point out if there is equal availability of for all the interested persons, including citizens of other member states of the charter, who are legally or regularly work in your territory and for the disabled persons.”

In accordance with Article 7 of the Law of Georgia „On vocational education”, every person has the right to receive vocational education in order to acquire that knowledge and skills which are necessary for vocational activity. The system of vocational education is to provide conditions for a person’s vocational education, training and development, having in view his special needs, in accordance with the legislation of Georgia.

#### ARTICLE 10: THE RIGHT TO VOCATIONAL TRAINING

„With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employment.

#### Question A

„Describe the legal ground, functions, organization and financing of the artisan teaching and /or other systems of vocational training for young girls and boys “.

The aim of the vocational teaching in Georgia is:

- Satisfaction of the vocational-educational requirements of the population;
- Providing economy at the inner and international labour markets with qualified staff with competitive abilities, the compliance of the system of vocational education with the quickly and constantly changing requirements of the labour market;
- Maintaining the competitive ability of the employed by way of vocational re-training and increase of qualification;

- Facilitating the adjustment of the population with new social-economic conditions by way of their starting their own business or self-employment;
- Encouragement of vocational students and student mobility;
- Creation of the conditions for vocational development and employment for those persons who are under the risk of being aloof from the society;
- Developing a learning system throughout the whole life period;
- Creation of study-enterprise partnership system in the field of vocational education.

The above-mentioned „artisan teaching” is the same as craft education which can be acquired upon the completion of the basic stage of general education (9 forms), and the aim of which is the preparation of a certified specialist. As we have already mentioned, the craft education can be formal and non-formal. The formal vocational education can be acquired in the accredited educational institution for vocational teaching- in the vocational study centers, general education or higher educational institutions, a structural environment, comprises theoretical and practical study and is completed by granting or changing a relevant qualification and the issue of a relevant education certification document.

The vocational education can be acquired by way of informal education. Informal education can be received as well in the form of independent, non-institutional or non-structural work.

Attestation of the craft education received in an informal way, shall be carried out by attestation bodies. An attestation body can be a legal entity, irrelevant of its organizational-legal form, which is acknowledged by the order stipulated by the legislation of Georgia.

The financing of vocational education can be carried out by state bodies as well as private persons. The Legal Entity of Public Law- vocational study centers are financed by a correspondent financial normative voucher envisaged for one student. A difference between the fees for study within one educational program for the citizens of Georgia in the vocational study center is not allowed. The center for vocational study has the right to attract other financial means permitted by the legislation of Georgia.

Question B:

„name the measures taken in order to carry out the requirements of the provision, point out the approximate number of the young people using such study system”.

The formation of modern vocational study centers , the creation of the new programs corresponding to the relevant market requirements, improvement of material and technical basis, has substantially increased an interest in the field of vocational education. If in 2006, 2240 students were trained in the initial vocational educational institutions, and for this there was 4 million 300 thousand GEL allocated from the state budget for this purpose, in 2007 the contingent to be accepted in 2007 increased to 5 thousand, the financing made up 6 million 130 thousand GEL. By 2008, the state plans to allocate 8 million 499 thousand GEL for the craft education centers. As the result 7 thousand students will be prepared. Apart from the basic financing, in 2006 there was allocated 4 million GEL for the rehabilitation of vocational schools within the frames of „the President National Program”, in 2007 – 7 million GEL was allocated, in 2008 it is planned to allocate 11 million GEL. The dynamics corresponds to the growth of interest in the population in respect of vocational study, which undoubtedly justifies for the reform development.

Question C:

Point out as to how are the means of vocational training distributed in accordance with various vocational activities.

At the given stage 6 fields had priority:

- 1)Agriculture;
- 2) Construction;
- 3) Tourism;
- 4) Transport;
- 5) National craft
- 6) Information technologies.

In the given field there are programs and bases of both craft as well as higher vocational level.

#### Question D

Describe all those means by which state means are allocated for the private apprentice teaching.

This is not stipulated by the legislation of Georgia.

#### Question E:

Point out the availability of the described means for all the categories of youth, who wish to receive apprentice or vocational education and, probably such education will be useful for them. And if it is not the case, point out the amount of the category which it comprises and possibly that category which is comprised.

The concept of vocational education of Georgia on which the law „On vocational education” is based, underlines the development of each person and the necessity of vocational education and training in the vocational self-determination. It also envisages those groups of population which need a special attention in this respect. Such groups are:

- The refugees, people without abode, the so-called „street children” and other risk groups with the aim of their social security and integration in the society.
- The invalids and the disabled, with the aim of revealing the opportunities of their employment and socialization;
- Temporarily unemployed, whose qualification is to comply with the new requirements of the labour market
- Socially aloof persons, in respect of their social-psychological correction and public integration
- Persons exempt from military service, with the aim of their civil vocational activity and adaptation in the society;
- Convicts, for the purpose of their integration into public and adaptation after the liberation from detention;
- Emigrants, for the purpose of their vocational adaptation in their homeland;
- Socially insecure other layers of society.

The concept gives a special importance to the modernization of the vocational knowledge and skills of the employed, vocational training and re-training, and improvement of qualification, as the precondition for their stay at their work place, and improvement of their social conditions as well as the improvement of the culture of production and the quality of production.

The concept focuses on the vocational education for women as the means of their independence and rising their social prestige.

#### Question F

Prove the general availability of apprentice teaching, including the citizens of other member states who are legally in the territory of Georgia or who regularly work on your territory and for the disabled.

We confirm that in Georgia craft education is available for everyone, including the citizens of member states who are legally in the territory of Georgia or who regularly work in this territory and for the disabled.

#### Paragraph 4 of Article 10:

Possibly name the measures taken for the registration of vocational re-training and people who have been long unemployed with pointing out the number of the participants and the achieved results.

With the participation of the ministry of Labour, Health and Social Affairs of Georgia, the International Organization for Migration (IOM) and the World Vision, a reintegration model was worked out concerning the illegal migrants who have returned from abroad to their homeland.

#### ARTICLE 15 PARA.3

„With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.”

The legal state of the disabled persons in Georgia is determined by the declaration of the United Nations Organization „On the rights of the disabled persons” of December 9, 1975, as well as „the Standard Rules of Provision of Equal Opportunities for the Disabled Persons” of the same organization of December 20, 1993, the Constitution of Georgia, the Laws of Georgia „On Social Security for the Disabled Persons”, „On Social Assistance” and other active legislative acts.

“The Law of Georgia „On social security for the disabled persons” defines the basis of the state policy in respect of the disabled and aims at the provision of realization of their rights equally with other persons, to create necessary conditions for their full-fledged life and their participation in the economic and political activity of the community. The carrying out of successive policy in respect of the disabled by the state, irrespective of their age and abilities, nature and origin, unambiguously determines their guaranteed right of integration into society. Apart from this, the state provides for social security of the disabled and creates the necessary conditions for their individual development, realization of their creative and entrepreneur abilities. The state assigns additional guarantees for the realization of rights and lawful interests for such category of children.

The integration in society and the improvement of social conditions of the disabled persons residing in Georgia represents one of the priorities of the state social policy. When we speak about the creation of the conditions as much as possible adapted for the disabled, apart from the other questions, is their involvement in public life, their education, provision with information, medical and psycho-social rehabilitation, free movement and guidance, provision of supplements, participation in cultural-performance events and the necessity of overcoming other important problems is on the agenda.

The representatives of nearly up to 50 non-government organizations (unions, associations) for the disabled, registered in Georgia expressed their will to actively participate in the state policy in the questions of implementation. With the aim of



coordinated cooperation, a consultation board for the questions of the disabled persons was created at the Ministry of Labour, Health and Social Affairs the basic function of which is discussion and of problems which are important for the Ministry of Labour, Health and Social Affairs and the ways of solving such problems in order to provide the disabled persons with equal opportunities. Apart from this, the question of preparing a proposal on the structure and functions of the highest coordination body for the provision of equal opportunities for the disabled came on the agenda.

One of the main mechanisms for the social security policy for the disabled persons are state programs which stipulate for the assistance in integration of the disabled, providing them with aids, institutional patronage, development of community organizations, rehabilitation of the disabled children and prevention of their getting in institutes. In 2005-06 by the normative acts of the Ministry of Labour, Health and Social Affairs with the view of carrying out the above-mentioned events, a program „for the facilitation of social adaptation of the disabled persons” (order No.:67/n of 04.03.05, by the budget- 4 560 000 GEL) and program „for the facilitation of social integration and adaptation of the disabled persons”(15.02.06, order No.: 53/n, by the budget- 3 829 106 GEL)were approved.

The given programs within the frames of the existing budgetary financing, had a goal of effecting” the law of Georgia No.: 756-Iis of June 14 , 1995 „On social security of the disabled persons and the requirements of the UNO resolution No.:48/96 of December 20, 1993 on „The standard rules for provision the disabled persons with equal opportunities.

The main events of the program for „the facilitation of social integration and adaptation of the disabled persons: providing the disabled persons with prosthetic-orthopedic means, development of centers for the facilitation of the independent life of the disabled, provision of information for the blind,social patronage for the persons being in institutional institutions and the old-aged people,( including resort rehabilitation), facilitation of the development of community organizations, improvement of the quality of the rehabilitation of the disabled children, providing the disabled with aids (wheelchairs, walking sticks, walking sticks for the blind, crutches, cane-crutches, hearing-aids and cochlear implants).

With the aim of the involvement of the disabled in independent life and the usage of their opportunities as much as possible, a question of providing the disabled with high quality prosthetic- orthopedic means arose, since at the time when they become disabled those beneficiaries who need prosthetic- orthopedic means, meet with a concrete problem: movement, orientation, psycho-social relations, household security, usage of technical means, etc., due to which we have persons isolated from society.

Within the frames of the components of the provision of the disabled with prosthetic-orthopedic means in 2005-06 high quality with prosthetic- orthopedic goods were purchased and beneficiaries were provided with the correspondent recommendation-consultation and technical service which means: in the event of the amputation of any level of shin and thigh, as well as all the levels of upper extremities, mechanical, cosmetic, working, „bio” and „mio” types of prosthesis, removable joint immobilizers, corsets, sophisticated orthopedic footwear, preparation, trying on and repair of correctional treatment-prophylactic means. In the accounting period 1621 beneficiaries were provided with service. Among them priority was given to children ( in 2006 it was already 71 children). During 2006 800 various orthopedic-prosthetic means were produced. As the result of the carried out measures the disabled were assisted to return to and get involved in their public life( education, labour, cultural-creative life, sports, etc.), which in its turn provided for the usage of their opportunities as much as possible and the establishment of their independent way of life.

The aim of the component was offering such service to people with intellectual and physical disabilities (including children) in which conditions for their development and integration in society were created during the day time. The development of the centers and service provided for the disabled included the following various combinations of events for the integration of the beneficiaries into public:

- A) Daily service (except for the week-ends and days-off) in the conditions of an 8 hour work day with a meal two times a day – a meal of three components and a lunch;
- B) Providing the movement of the beneficiaries to the centers and home.

- C) Development of household skills.
- D) Development of vocational skills.
- E) Providing the beneficiaries with their participation in educational, cultural and sports- sanitary events.
- F) If necessary, provision of medical and psychological service.

A package stipulated by the program, envisaged and obligatory for one beneficiary, comprised the provision of the beneficiaries with meals, transportation, education, care and means of personal hygiene.

Within the frames of the component of the centers for the facilitation of independent way of life, service was provided for 1951 beneficiaries throughout the whole Georgia (in 2006-1295 beneficiaries, among them 353 children), and within the frames of the “component of providing the persons with intellectual and physical disabilities with hospice service” –for 656 beneficiaries (2005). As the result of the carried out component the disabled gained household, labour and social skills, were provided with an opportunity to establish personal communication, to gain as much independence in their life as possible, to develop the mechanisms of adaptation to environment.

One of the main problems for the blind in Georgia was a lack of educational, popular scientific literature and fiction, which hampered their intellectual development. In order to raise the level of knowledge of the blind and their provision with information, to involve them more in public life, the events planned by the component of information provision for the blind comprised the purchase of computer technique necessary for typing in Braille, other technique with compact disks and bearing audio information, typing of books, educational and information material, recording and dissemination of sound literature. Within the component of providing the blind with information 20 works were published in Braille in 127 volumes (each volume consisting of not less than 70 pages) and 57 were recorded, and 90 sound works were copied and recorded on 155 compact disks. The printed and recorded material of the given volume was produced in 10 copies (1270 volumes and 1550 Compact Disks) and were allocated in 9 libraries, (1 copy is kept as original in the depository of the National Library), 3 of which are located in Tbilisi, and the other 6- are located in Zugdidi, Batumi, Telavi, Gori, Rustavi and Kutaisi. As

the result of the carrying out of components, it became easier for the blind to receive knowledge and information independently, they were provided with an opportunity to get acquainted with modern and classic Georgian and foreign literature.

The disabled placed in the institutional institutions are permanently in the so called “enclosed environment”. The given beneficiaries receive all the services financed by the state in one building, which has a negative effect on their health and mood. It became possible to partly solve this problem (within the frames of the subprogram for the patronage costs for the beneficiaries of the institutional institutions, the component of resort rehabilitation of the beneficiaries of the institutional institutions) by temporarily removing the beneficiaries from the institutional institutions and sending them to various (mountain and sea)resorts of Georgia with organizing their rest ( not less than 14 days in June-August).240 beneficiaries used this component, out of them –109 children.

The psychosomatic rehabilitation of children with disabilities caused by the injuries and diseases of the nervous system ( poliomyelitis, primary lesion of muscles, residual effects of the inflammatory disease of the CNS, residual effects of the cerebrovascular disease of the CNS, epilepsy, dysarthria, injury of the humeral and shoulder girdle nerves), measures for the facilitation of their motor function, functional independence and development of their mental faculties were carried out within the frames of the subprogram for the rehabilitation of the disabled children.

As a result of the works carried out under a component up to 1500 beneficiaries were provided with service (in 2006 their number was 864). The component comprised neurological service for children, physical therapy, spastic management of muscles by using the Botulin toxin, psychocorrection and evaluation of mental development by means of special tests, speech therapy, teaching of the usage of adaptation and subsidiary aids, guidance of parents, while using modern methods and technologies of treatment-rehabilitation events.

By the subprogram of provision of the disabled persons (including the blind) with aids wheel-chairs, walking sticks of the required quality and crutches were purchased and distributed in accordance with the requirement:

- a) In 2006 815 beneficiaries were provided with wheel-chairs, among them 100- with the active type of a wheel-chair, 700 - with a partly active wheel chair

(among them 147-children), 15 disabled children in sitting position to maintain equilibrium.

- b) Walking sticks (among them the blind) and crutches (among them with walking stick-crutches) were given to 1 235 beneficiaries (34-children), among them standard walking sticks- for 575 beneficiaries, a walking stick for the blind-for 200, a standard crutch – for 250 beneficiaries, a walking stick for the blind- for 200, a standard crutch- for 250 beneficiaries and a walking-stick-crutch- for 210 beneficiaries.

The need to carry out a component of the provision of the people with hearing problems with hearing-aids was caused by the circumstances that due to the daily household problems people with hearing problems find it difficult to fully integrate in society. Apart from this, the speech of the children with hearing problems is in danger of not developing which causes the stoppage of their psychomotor development. In order to settle the above-mentioned problems people with hearing problems need to be provided with hearing-aids, which will facilitate their mental development and their integration in the society. In 2005 420 hearing-aids were distributed for 417 beneficiaries, and in 2006 within the frames of the component of providing people with hearing problems with hearing aids 1 110 beneficiaries were provided with service, 250 of which were given digital hearing-aids and 860 – an analogous apparatus. As a result of carrying out of the component there was a correction of hearing of the disabled, which facilitated the improvement of their adaptation. Within the provision component there took place correction of hearing among the prelinguals (the deaf-and dumb children) and postlinguals (People possessing speech but who are completely deaf ). A corresponding surgical operation was carried out in the case of 12 children.

The Tbilisi City Hall Social Service and Culture Municipal Service carries out more than one important programs for the disabled people:

1. „Program for facilitation of social integration for the disabled children, carried out by the association „Anika”since January 10, 2005. The association started carrying out of the given program by means of the integrated form of teaching. In Tbilisi Secondary School No10 till September of the current year 9 disabled children were involved in the learning process, 7 of whom used a wheel-chair. Now 17 disabled children are participate in the events of social integration and go through the

educational process with the use of special individual curriculums. Apart from this, children actively take part in the cultural events (excursions were made to Tsilkani, the Ku lake, and to the ethnographic museum. A group also took part in Mtskhetoba and Tbilisoba festivals). Their transportation is provided by means of a bus with a special lift.

The given events facilitate social integration of the disabled teenagers and the development of their skills for the independent way of life.

2. „Preparation of the disabled children and teenagers for the inclusive education, facilitation of the development of their working skills and their social integration, by which a maximum level of their independent functioning in everyday life can be reached:

- Taking care for themselves
- Household activities
- Social relations
- Vocational and pre-vocational development
- Development of civil consciousness
- Development of academic skills
- Knowledge (learning skills)
- Notion about the outside world

The beneficiaries of the program are the children and teenagers who have average, light mental and physical disabilities of the age from six to twenty (24 children and teenagers are classified into three age-groups and 4 forms).

3. The program “Disabled Children Studio” is carried out in a specialized studio.

4. The aim of the program is:

- A) Integration of the disabled children in the society;
- B) Assistance in choosing their vocational guidance;
- C) Increase of public consciousness concerning the equal opportunities for the disabled persons;
- D) Facilitation of the form of inclusive teaching;
- E) Provision of non-formal education.

F) Working in the correction groups is carried out on the basis of individual programs. 57 children are united into 3-4 member groups; work is carried out in accordance with the method accepted by the inclusive practice, called “Assistance to those who are of the same age”. In addition, within the studio frames, there is a program „Sunday school for the disabled children” carried out for 20 children with light and average disabilities. The teaching comprises 3 components: a) Rehabilitation of mental deficiency and disability- psycho-correction class; b) Emotional and social rehabilitation-psychotherapy, a training group; c) Computer teaching. There are children of various ages and teenagers who are from 5 to 22 years old having different diagnoses with mental deficiencies and disabilities united in the group. Development games and demonstration of interesting films take place. An adapted lift functions in the building of the studio. Children participating in the program are provided with a service of specialized transport.

5. „Program of provision of deaf invalids with the service of translator- dictilologists” is carried out by the Union of the Deaf of Georgia and its aim is providing service of translator- dictilologists for the deaf invalids, which contributes to the integration of such people in society and solving their social problems. A feature of the deaf invalids is that contact with them is carried out by means of translator- dictilologists, in a language of gestures which is understandable for them. The deaf invalids need the service of translator- dictilologists nearly every day, when they address medical, social, state and other institutions. The improvement of telecommunications and availability of modern information technologies for such category of the disabled people is regulated by the legislation of Georgia, in particular: “The state acknowledges the language of gestures as the means of communication between nationalities and provides for the creation of the necessary conditions for its usage and development”. (The law of Georgia “on Social protection of the disabled persons”, Article 5).

Since February 2005 till today 900 deaf and invalids with hearing problems were provided with a service in social and legal matters; Information meetings are held twice a week for the discussion of social, legal and other questions; Service is provided in various legal and social institutions, a notary’s bureau.(The service for the deaf-and dumb is multiphase, that is one needs a complete service package – till

the result is reached); Meetings are held concerning religious topics. It should be mentioned that by means of the given program the deaf-and dumb for the first time were able to receive communion and confess.

During the year eight excursions to Tbilisi and regions were held to see churches and various historical monuments.

In the work days of the week 15 minutes news bulletins are broadcast by means of the TV channels by using the hand-language for the deaf.

6. "Determination of the needs of the children with mental and physical disabilities living in Tbilisi families and prevention of institutionalization on the basis of their registration and testing". The program was carried out by the non-governmental organization fund „The First Step”.

The aim of the program was not only the registration of the children having mental and physical disabilities, residing in Tbilisi, but revealing various needs from the social and medical point of view.

As the result of the work of the program a database was received (In all 1230 children are registered in the database), which represents a ready material for the determination of various services which can be used by the government and non-government sectors, and the improvement of medical and social service by means of the new programs shall decrease the flow of the disabled children to the institutional institutions.

7. The program for the disabled children- a reciprocal step”.

The program was carried out by „the Union for social rehabilitation of the disabled children”.

The aim of the program is: Facilitation of the socialization process for the disabled children from their early age and protect their rights; change in the attitude of the society; preparation of teachers for inclusion; making the government interested in the early social integration of the disabled children into society; Familiarization of the parents of the disabled children with the rights and opportunities of the disabled.

As a result of carrying out of the above-mentioned events by the state, the guaranteed right of the disabled persons for social integration and their participation in public life was facilitated. Apart from this, the Georgian legislation (the law of



Georgia „On Social Security for the disabled”, part II) determined the following norms of the terms of usage of social infrastructure by the disabled persons:

- a) Facilitation of the usage of dwelling buildings and other objects of social infrastructure by the disabled persons- state bodies, enterprises, institutions and organizations provide invalids with the conditions to use dwelling, public and enterprise buildings, transport and transport communication, media and communication for free orientation and movement.
- b) Satisfaction of the needs of the disabled with cultural-creative events in the institutions and sports buildings- the high government, local and other authorities are obliged to provide the disabled with such conditions as to facilitate their free usage of cultural-creative institutions and sports buildings, as well as to provide them with special sports equipment and other necessary means.
- c) Consideration of the requirements of the disabled persons during the construction of objects and designs of social infrastructure – it is not allowed to design and build the inhabited localities, form the dwelling districts, work out design decisions, build and reconstruct buildings and constructions, including educational, cultural-creative and sports- sanitary objects, airports, railway stations, complexes and communications of sea and river transport means, individual communication and media, if such objects do not comply with the needs and requirements of the disabled.

Having in view the above-mentioned requirements, normative act - „Dwelling environment for the invalids”, „Public buildings and constructions for the invalids- on the norms of planned elements and design of viable environment for the invalids” was issued by the Minister of Urbanization and Construction of Georgia on February 3, 2003, according to which the following norms and regulations were received with the view of the further improvement of the design of the dwelling environment for invalids:

- a) „Dwelling environment for invalids, norms for design elements”;
- b) „Public buildings and constructions for invalids, norms for design elements
- c) “„Instruction for the design of a viable environment for invalids”.

By the same order the Department for Territorial-Spatial Design, Town-planning and Architecture of the Ministry of Urbanization and Construction of Georgia was charged

with a task to provide the implementation and observation of the adopted construction norms and regulations.

On the basis of the provisions of „The Administrative Code of Georgia”, failure to observe the needs and requirements of the disabled people during the design and construction of objects is liable to a fine in the amount from 500 to 800 GEL (Article 178<sup>2</sup>), in particular: failure to observe the requirements and needs of the disabled during the design and construction of settlements, formation of dwelling districts, working out design decisions, reconstruction of buildings and constructions.

Evasion from providing the disabled with the conditions determined by the legislation- respectively, evasion from the creation of the conditions which are necessary for the usage of dwelling, public and enterprise buildings, transport and transport communication, media and communication by the disabled as well as their free movement- in accordance with Article 178<sup>1</sup> of the same Code- will lead to a fine from 300 to 500 GEL.

Questions concerning the prohibition of the discrimination of the disabled persons have to be underlined:

In accordance with Article 14 of the Constitution of Georgia, „ All persons are free from the moment of their birth and are equal in respect of the law, regardless of their race, colour, language, sex, religious, political or any other belief , national , ethnic or social origin, property or title state, place of residence.

In accordance with the law of Georgia „On social security for the disabled persons”, the basis of legislative state is that the discrimination of the disabled is forbidden and is to be punished in accordance with the law.

On April 28, 2006 an amendment was made to Chapter XXIII of the Criminal Code of Georgia -„ Offence against the personal rights and freedoms”, and Article 142<sup>2</sup> restriction of rights of the disabled persons was added. According to its requirements:

1. Refusal to carry out the right of the disabled motivated by their disablement, assigned to them by the law and/or international agreement, which lead to substantial infringement of their rights-

Is to be punished in the form of a fine or restriction of liberty for the period of up to three years or the detention for the same period.

2. The same action:

- a) Carried out more than once;
- b) Carried out while using one's position;
- c) Accompanied by violence or a threat of using violence;
- d) Causing grave results

Is to be fined or is liable to the restriction of liberty for the period of up to five years or a detention for the period from two to five years.

As for the mechanisms for demanding compensation as a result of the restriction of the rights of the disabled, and the reflection of its effective usage in the legislation, the given question is regulated on the basis of a court decision, in accordance with the current legislation.

## ARTICLE 18: THE RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER PARTIES

### ARTICLE 18 PARA.1

„With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:  
to apply the existing regulations in a spirit of liberality;

“Question A

The protection of the rights of the foreigners is guaranteed by the Constitution of Georgia. In particular, in accordance with paragraph one of Article 47 of the Constitution, the foreign citizens residing in Georgia as well as the non-citizens have equal rights and obligations of the citizens of Georgia, except for the exceptions stipulated by the Constitution and the law.

Protection of the rights of the foreigners on the territory of Georgia is also guaranteed by the law of Georgia „On legal status of the foreigners”. In particular, according to paragraph one of Article 27 of the law:

The foreigners in Georgia have the same rights and freedoms and the same obligations, as the Georgian citizens, if it is not otherwise stipulated by the legislation of Georgia.

In accordance with Article 31 of the same law:

Foreigners have the right to engage in gainful occupation in accordance with the order stipulated by the legislation of Georgia.

In accordance with Article 11 of the same law, in the provisions stipulated by the Georgian legislation, the list of the documents to be submitted for getting a visa, envisages the presentation of a permission for labour activity in Georgia. Although it should be mentioned, that the legislation of Georgia neither stipulates for such cases, nor does it issue permission for labour activity. Any foreigner being in the territory of Georgia has the right to engage in any gainful occupation except for the cases stipulated by the legislation (public service, military agencies, etc).

The Labour Code of Georgia supervises labour and other relations accompanying it within the territory of Georgia. Correspondingly it applies to the Georgian citizens, as well as the foreigners engaged in the gainful occupations within the territory of Georgia.

#### Question B

The legislation of Georgia does not stipulate for the issue of permission for labour activity. Correspondingly, we cannot provide you with the information about the number of applications and the proportion of the issued permissions.

#### Question C

The legislation of Georgia stipulates for the restriction of the right of the engagement of a foreigner in gainful occupation only in respect of public service and security agencies.

#### ARTICLE 18. PARA. 2

„With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;

#### Question A

Question B

Question C

Any foreigner who is legally in the territory of Georgia has the right to engage in a gainful occupation in the territory of Georgia, since the legislation of Georgia does not stipulate for the permission. Correspondingly there are no any charges.

The procedures of legal entering and stay in Georgia are stipulated by the law „On the legal status of foreigners”. We append a report to the given law.

#### ARTICLE 18 PARA.3

"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

to liberalise, individually or collectively, regulations governing the employment of foreign workers;"

Question A

Question B

Question C

There is no limitation in Georgia legislation and practice concerning the employment of foreign workers. Please find attached law - “The legal status of foreigners”.

#### ARTICLE 18 PARA.4

„With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

the right of their nationals to leave the country to engage in a gainful occupation in a territory of the other Parties.

In accordance with the Constitution of Georgia, any person who is legally in Georgia has the right to legally leave the country.

In accordance with Article 30 of the Constitution:

On the basis of the international agreements regulating labour relations, the state protects the labour rights of the Georgian citizens abroad.

In accordance with paragraph one of the law of Georgia „on temporary leave of Georgia by the Georgian citizens and the rules of entering Georgia”:

A citizen of Georgia has the right to temporarily go out of Georgia and to enter Georgia. This right can be restricted except for the cases stipulated by the Georgian legislation.

In accordance with Article 10 of the same law,

The citizen of Georgia may be refused to temporarily leave Georgia, or the issue a passport for him or the prolongation of the validity of period for such passport, as well as to cross the border if:

- a) Such person is in search by the law machinery;
- b) If he submits false or invalid documents;
- c) In the other cases stipulated by the Georgian legislation.

#### ARTICLE 20: THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX

„With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognize that right and to take appropriate measures to ensure or promote its application in the following fields:

- a. access to employment, protection against dismissal and occupational reintegration;
- b. vocational guidance, training, retraining and rehabilitation;
- c. terms of employment and working conditions, including remuneration;
- d. career development, including promotion.”

#### Question A

In accordance with the labour code of Georgia, „in labour relations any kind of discrimination as to the race, skin colour, language, ethnic or social origin, nationality, property or title status, place of residence, age, sex, sexual orientation, disablement, belonging to a religious or any other unit, family status, political or any other opportunities is prohibited”(Article 2, part 3). In accordance with the same Code,

„During the labour relations the Parties are to observe the basic rights and freedoms stipulated by Georgian legislation”(Article 2, part 6),

In accordance with Article 31 of the law „On vocational education” a vocational center provides for:

Equal attitude towards all the students, irrelevant of their sex, ethnic or social origin, religious and political beliefs, physical opportunities, etc.

#### Question B

In accordance with Article 42 of the Constitution of Georgia:

All persons have the right to go to court to defend their rights and freedoms.

#### Question D

In accordance with Article 142 of the Criminal Code of Georgia, the infringement of the equality of rights of persons in accordance with their race, skin colour, language, sex, religious attitude, religion, political or any other opinion, belonging to any national, ethnic, social or any other group or social community, which substantially infringed on the human rights, is liable to a fine or a remedial service for the period of up to one year or detention for the period of up to two years. The same action: a) with the use of one’s position, b) causing grave effect is liable to a fine or a detention for the period of up to three years, with the dismissal or deprivation of the right of occupation for the period of three years or without this.

In accordance with Article 169 of the Criminal Code of Georgia,

Unlawful dismissal, failure to carry out the decision of the court to restore on work or any other substantial infringement of the labour legislation – is liable to a fine or detention for up to two years with the dismissal and deprivation of the right of occupation for the period of three years or without this.

In accordance with Article 42 of the Administrative Code of Georgia, „the infringement of the labour legislation and the rules and regulations of labour protection, will be followed by a fine of a hundred minimal amounts of salary. The same action, carried out within one year as of the imposing of administrative penalty, shall be followed by a fine of two hundred minimal amounts of salary.

## Question F

The Labour Code of Georgia envisages the following guarantees for women for their pregnancy, child delivery and puerperal period

- It is prohibited to employ a pregnant woman or a woman in the early puerperal period, a disabled person for overtimes without their consent.
- It is prohibited to employ those who are under age, pregnant women, women in the early puerperal period, or nursing mothers for night work (from 22.00 to 6.00), and in the case of a person caring for a child up to 3 years or a disabled person- without his consent.
- The employee who is a nursing mother or feeds a child of up to one year of age, is to be granted additional break of not less than 1 hour a day on the grounds of her application.
- The break for the purpose of feeding a baby is considered to be work hours and is to be paid.
- The employed is obliged to provide the protection of a pregnant woman from such labour which may threaten her or her foetus well-being, physical or psychic health.

Article 27. A leave due to the pregnancy, child delivery or care for a baby

1. The employee is to be granted a leave of 477 calendar days on the ground of her demand in connection with the pregnancy, child delivery or care for a baby-
3. 126 calendar days of the leave due to the pregnancy, child delivery or care for a baby, and in the event of difficult delivery or the delivery of twins are payable.

Article 28. a leave for the reason of the adoption of a new-born child

An employee who has adopted a child of the age of up to a year, shall be given a leave on the basis of his/her application – in the amount of 365 calendar days as of the birth of a child. 70 calendar days of this leave are payable.

Article 30. Additional leave for the reason of care for a child

1. An employee shall be granted a continuous unpaid leave or a leave in parts, but not less than 2 weeks a year, for the reason of care for the child at his own request- for the period of 12 weeks till the child is 5 years old.



2. Additional leave in connection with the care for a child can be given to any person who actually looks after a child.

In accordance with the Article 36 of the Labour Code of Georgia, it is not allowed to cancel a contract due to the pregnancy, delivery or care for a child, as well as for the reason of adoption of a child in the periods of additional leaves.

In addition, in accordance with the law of Georgia on public service

It is not allowed to dismiss an employee (woman) due to the reasons of staff reduction, long-term disablement or state of health, or the results of attestation during her pregnancy or bringing up a child who is up to 3 years old.

It should also be mentioned that in accordance with the legislation of Georgia, a leave for the reason of pregnancy, delivery or child care is given to a mother only.

#### Question G

In accordance with the legislation, there are no limitations in occupations in respect of sex. Although traditionally there are professions in which mainly the representatives of one sex are occupied.

#### Question H

As an instance of positive discrimination can be considered giving a leave due to pregnancy, delivery or child care to women only.

The alteration of the given provision is being considered by the government of Georgia.

