



Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights in Georgia

74th Session

(Pre-Sessional Working Group)

Submission for the adoption of the List of Issues

Social Justice Center

Georgian Young Lawyers' Association (GYLA)

Partnership for Human Rights (PHR)

Georgia Fair Labor Platform

Introduction

1. This alternative report is compiled by a coalition of human rights organizations: Social Justice Center, Partnership for Human Rights (PHR), the Georgian Young Lawyers' Association (GYLA) and Georgia Fair Labor Platform. In light of the obligation of the Georgian Government to submit its periodic report in 2007, this document serves as a critical evaluation of the implementation of the ICECR in the country over the past two decades. The document is based on extensive research, strategic litigation cases, and evaluations of the Public Defender of Georgia, as well as insights from pertinent national and international human rights organizations.

1. Realization of the Right to Work (Art. 6)

1.1. The Protection of Workers from Unfair Dismissal

2. Article 47 of the Labour Code of Georgia defines the grounds for terminating employment agreements, *inter alia*, economic circumstances, and/or technological or organizational changes requiring downsizing; the expiry of an employment agreement; the voluntary resignation of an employee from a position/work on the basis of a written application; the incompatibility of an employee's qualifications or professional skills with the position held/work to be performed by the employee; the gross violation by an employee of his/her obligations under an individual employment agreement or a collective agreement and/or of internal labour regulations; and the initiation of liquidation proceedings against an employer who is a legal person.
3. According to Article 48 of the Labour Code, in the event of termination of an employment agreement by an employer on any of the grounds referred to in Article 47(1) (circumstances requiring downsizing; lack of qualifications/skills for the position in question; long-term incapacity; or other objective circumstances), the employer must notify the worker thereof in writing at least 30 calendar days in advance. In such a case, the worker must be granted severance pay in the amount of at least 1 month's remuneration. In the event of termination of an employment contract by an employer on any of the grounds referred to in Article 47(1) above, the employer may notify the worker thereof in writing at least 3 calendar days in advance. In this case, the worker must be granted severance pay in the amount of at least 2 months' remuneration.
4. The last ground of the dismissal, other objective circumstances justifying the termination of an employment agreement, is very broad and vague, which allows an employer to dismiss an employee without justification. In practice, this ground is often used for discriminatory reasons and employees have to apply to the courts for unfair dismissal. Furthermore, the Labour Code does not set out notice periods for the termination of contracts of workers in proportion to their length of service. This creates the possibility of short notice periods for long-term employment. Besides, severance pay is not proportionate to the duration of service.
5. Article 107 of Civil Service Law defines the grounds for the dismissal of civil servants, which are comprehensive and do not contain any vague grounds like the Labour Code of Georgia. Besides, civil servants have more guarantees in case of dismissal from civil service, such as a mobility system (Art. 52), a reserve of civil servants and compensation (1 month or 3 months). However, unfair dismissal may occur in civil service on the grounds of political discrimination and personal statement without their real consent, which are found in court cases.
6. After the appointment of Tea Tsulukiani as the Minister of Culture, Sports and Youth, large-scale changes and reorganization began in the institutions subordinate to the Ministry. As a result, many employees were released from their positions both directly from the Ministry of Culture, Sports and Youth of Georgia and from the agencies under the Ministry. The process not only took the form of removing undesirable personnel from leadership positions but also demonstrated that the purpose of these decisions was to control and censor the cultural sphere.
7. The cases in GYLA's proceedings have highlighted several types of Tendencies or individual problems, which are discussed in detail in the report. Upon analysis of the cases in the proceedings of the GYLA, the following types of problems had a tendentious character:
 - In each case, the reorganization was not carried out in the interests of the public service under the law, but to disguise the dismissal of unwanted personnel. In those institutions, from which the above-mentioned persons were released, after a comprehensive reorganization to optimize the personnel, a number of competitions were announced and new personnel were appointed. The prerequisites for the

dismissal based on reorganization to be considered legal are not met, since they were based on personal opinions and/or discrimination expressed on various grounds.

- Within the framework of the reorganization process, competition commissions were created in the institutions, which had to make decisions based on the interviews with which the labor-legal relationship would continue. Despite being prohibited by the law, the questions asked at the interview were directed to the views and actions of a particular employee, which were not related to the performance of the service obligation or its quality. The composition of the evaluation commission and the majority of its members were not related to the fields of culture or science.
- During the conducted interviews, there were formal errors. Among them, the contestant was not given the opportunity to avoid a specific member of the commission, and despite the request, he received neither a written nor an oral answer regarding his request. During the interview, the Commission did not take any recording reflecting the process, nor did the Commission directly give the employee the right to make a recording.
- The non-appearance of the employee at the commission's interview, regardless of a number of circumstances and reasons, was automatically evaluated against him, and regardless of other evaluations, the institution decided to dismiss him.
- Neither the Ministry of Culture, Sports and Youth nor the agencies included in its governance provide information/documentation based on the request of the parties, which is often a hindering factor for employees to conduct disputes.
- Of the 12 cases in the GYLA's proceedings, not a single case has been reviewed within the time limits stipulated by the law, and the reviews were unreasonably delayed, which prolonged the violation of the plaintiffs' rights even more and often created a problem with the enforcement of the court's decision in the part of reinstatement.

1.2. Informal Employment

8. The scale of informal and non-standard work is quite high in Georgia. According to 2020 data from the National Statistics Office of Georgia, the share of informal workers in the non-agricultural sector was 31.7%.¹ As for the non-standard work (temporary work, unfixed working hours, subcontracting and false self-employment), the formal data about it is scarce. According to 2019 data from the National Statistics Office of Georgia, the number of people engaged in "*atypical work*" amounted to 52% of the labour force. However, this figure only partially reflects the real number of employees in the non-standard sector.²
9. The workers employed in informal and non-standard work face numerous problems, such as unstable pay, unstable income, lack of labour safety and unregulated relationships between the employee and employer, which include problematic practices of work control and subordination. Informal and non-standard work is prevalent in sectors where physical safety is a major concern for employees, such as mining industries and construction works.³
10. The Labour Inspection Service of Georgia does not yet have practical experience in terms of monitoring the informal sector. The reason for this is, on the one hand, its limited capacity and, on the other hand, the highly hidden nature of the informal sector. The informal sector is highly inaccessible for state oversight bodies due to non-existent written contracts, agreements, unidentified workspace, time, environment and other factors. Consequently, in many cases, labour rights violations remain completely unnoticed in the informal sector. The only exception is the field of labour safety. During 2019-2021, the inspections carried out by the Labour Inspection Service of Georgia in the field of labour safety, in some cases, included the informal sector. It should be underlined that this concerned cases where it was possible to identify the physical area of work activities. As for the unidentified workplaces, which are widespread in Georgia, they remain uninspected as the exact location of worksites is found to be difficult to ascertain.⁴
11. As for the non-standard employment, one of the main problems which hinders effective inspection of this sector, is its atypical nature. Non-standard work implies a non-standard work environment, irregular

¹ National Statistics Office of Georgia, Employment and Unemployment, <https://cutt.ly/6wSOHYah>.

² Social Justice Center, Informal and Non-standard Employment in Georgia, 2021, p. 21, <https://cutt.ly/wwSOHKYr>.

³ Ibid., pp. 27-36.

⁴ Ibid., pp. 51-52.

working hours, difficulty in recording working time and different periods of work activities. Supervision of such conditions is associated with significant difficulties for the Labour Inspection Service, given its limited capacities and at the same time, the ambiguities in the legislation regarding its mandate in such cases. The area of labour safety is an exception in this regard to a certain extent. In 2020, the Labour Inspection Service inspected the working conditions in one of the leading companies engaged in the online platform service and sanctioned it for the violation of labour safety norms. The Labour Inspection Service decided that there was an employment relationship between the company and the couriers contracted by it, even though the existing contract was formally a service contract. Unfortunately, the mentioned case remained only an isolated case of an effective response to a specific offense and failed to set a precedent in the sphere of non-standard employment. Ensuring labour safety remains a significant challenge in these and other courier services and other places of employment, while other labour rights, such as adequate working hours, pay and social security, remain unattainable for those employed under the non-standard contracts.⁵

1.3. Targeted Employment Programs

12. One of the new instruments of social policy in Georgia, designed to address the widespread problems of poverty and unemployment, is the public employment program. The public employment program was adopted in February 2022. The purpose of the program is to implement an active labour market policy towards socially vulnerable persons, who are fit for work, by promoting their employment in the program and providing social protection/assistance to them. Thus, the promotion of employment and inclusion of the individual in the public employment program is possible only if the person is a recipient of social assistance. The total budget of the program is unclear. According to the official data, only in one month – December 2022 – the program cost 11 million GEL/3.7 million EUR. As for the year 2023, the program cost 12 million GEL/4 million EUR in January, 13 million GEL/4.4 million EUR in February and 13.6 million GEL/4.6 million EUR in March.⁶
13. The full assessment of the program is not possible, as many legal acts associated with it are not publicly available, such as those related to the information regarding the types of public employment/work offered within the program, monitoring methodology and the procedures of engagement of Labour Inspection Service in the program. Such comprehensive analysis is also made difficult as the relevant agencies have not disclosed statistical information regarding various substantial issues related to the program, such as the categories of the beneficiaries covered by the program and the duration of their inclusion in the program.
14. Despite the limited information, significant flaws have been revealed in the design of the program, based on the publicly available data and the surveys conducted with the program beneficiaries.⁷ One of the major shortcomings of the program is that it does not foresee developing the skills of its beneficiaries and raising their motivation to promote their employment in the open labour market in future. According to the existing information, the types of work envisaged within the program do not involve the creation of any significant public good and the development of relevant skills of its beneficiaries in this regard. The main labour activities envisaged by the program are cleaning and minor rehabilitation of squares, canals, roads and buildings, which demonstrates that it focuses mainly sanitary works. This issue also raises special concerns with the situation of women beneficiaries employed within the program, specifically, in terms of the risks of dual vulnerability and the perpetuation of their stereotypical roles in the field of employment. These concerns are further aggravated by the fact that it is not clear whether or not the basic labour rights of program beneficiaries, including decent working conditions, are ensured while performing work under the program and what are the ways for them to safeguard their labour rights in case of violations.⁸
15. To improve the situation of widespread poverty and unemployment in the country, a complex combination of social instruments is needed, such as adequate care services, unemployment insurance and housing policies for the homeless, which are lacking in Georgia. Without such a systemic approach, the public

⁵ Ibid., pp. 47-50.

⁶ Social Justice Center, Anatomy of the Public Employment Program, 2023, p. 33, <https://cutt.ly/mwSOLRUH>.

⁷ Ibid., pp. 15-16.

⁸ Ibid.

employment program represents only a fragmented tool for addressing poverty and unemployment, which at the same time has many flaws of its own as described above.⁹

Lists of Issues:

1. What additional guarantees of protection from unfair dismissal are planned by the Government to add to the Georgian Legislation?
2. How is the Government going to reduce the number of unfair dismissal cases in the Court in the private and public sectors?
3. When does the government plan to disclose public information regarding the public employment program?
4. How does the government plan to develop the skills of the beneficiaries involved in the public employment program so that they can be employed in the open labour market in the future?
5. How does the government ensure decent working conditions for the beneficiaries involved in the public employment program and what is the role of the Labour Inspection Service in this regard?
6. What measures does the government plan to take to ensure effective inspection and monitoring of working conditions in the informal and non-standard employment sectors?
7. What measures does the government plan to take to enable informal workers to move out of the informal economy?

2. Decent Working Conditions of Employees (Art. 7)

2.1 Ensuring Safety and Healthy Conditions at the Workplace

16. The right to protection of health and safety at work is one of the most frequently violated social rights in Georgia. This is the result of the years-long neglect of positive state obligation to safeguard conditions for occupational health and safety through effective standard setting, supervision and enforcement. In 2006-2015, the state institution in charge of the labour inspection – Labour Inspection Service – was abolished in Georgia. Consequently, the number of injuries and deaths at workplace rose dramatically. Throughout 2011-2022 years, 1767 people were injured at the workplaces in Georgia due to industrial accidents and 514 died.¹⁰ The severe cases of workers' deaths in the mining and construction industries and the related public frustration pushed the Government to gradually reform the legislation and develop mechanisms for labour safety protection. The current model of labour inspection covers the issues of both labour safety and other labour rights. The Labour Inspection Service of Georgia, a legal entity of public law under the governance of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, is equipped with the function of overseeing employers' compliance with both the Law on Labour Safety and the Labour Code of Georgia. The basis of the inspection can be a complaint of an interested individual, the own initiative of the Labour Inspection Service (planned or unplanned visits) and notification of any identifiable person regarding the violations of labour safety norms. The following administrative sanctions can be applied for violation of labour norms: warning, fine, or suspension of work process.
17. Consequent to the aforementioned reform of labour safety policy, the overall rate of workplace deaths has declined in Georgia in recent years. However, the situation is still far from satisfactory. The number of injuries and deaths at workplaces is still high in Georgia. During 2022, 330 workers were injured at workplaces and 35 died.¹¹ The high frequency of violations detected by the Labour Inspection Service – **8728 references regarding the violations of the labour safety norms** and 3369 for the violations of requirements of the Labour Code during 2022 – demonstrates that employers systematically neglect the requirements of the labour safety in Georgia.¹² The violation of safety norms in the high-risk worksites with heavy, harmful and hazardous conditions remains to be a serious problem, including the lack of use of collective and individual means of protection, lack of training and instruction and inspection of technical

⁹ Ibid.

¹⁰ Social Justice Center, International Commemoration Day for Dead and Injured Workers, 2022, <https://cutt.ly/qwFaGcek>.

¹¹ LEPL - Labour Inspection Office, 2022 Activity Report, p. 19, <https://cutt.ly/1wFsY0s4>.

¹² Report of the Public Defender of Georgia on Protection of Human Rights and Freedoms in Georgia, 2022, p. 185, <https://cutt.ly/EwFa1JQB>.

- equipment.¹³ One of the main issues in this regard is whether the Labour Inspection Service manages to adequately reveal and shed to light similar violations in the first place and in the second place – whether the measures of sanctions are adequate and proportionate to the severity of violations.
18. One of the most critical areas in terms of labour safety in Georgia is the mining industry. Unfortunately, for years the mining industry has been a hotbed of work-related deaths and injuries in Georgia.¹⁴ The mining industry is among the top three sectors, along with construction and manufacturing, where the highest number of workers' deaths and injuries occurred throughout 2019-2022.¹⁵ The inspections conducted in recent years in the companies involved in the mining industry have been insufficient. In 2020, the Labour Inspection Service carried out **only 9 inspections** in the companies within the mining industry.¹⁶ In 2021, **only 22 objects were inspected in the mining industry**.¹⁷ In 2022, the number of inspections conducted in the mining industry increased to some extent amounting to the inspection of 80 objects.¹⁸ Although there is a certain increase, the current level of inspection is still not sufficient for effectively tackling the longstanding violations existing in the mining industry.
 19. When it comes to the issue of proper detection of violation of safety norms, the lack of capacity to monitor the situation existing in the regions should be also underlined. The worksites with heavy, harmful and hazardous conditions in the country are mostly located in the regions.¹⁹ Although the Labour Inspection Service has offices in certain regions,²⁰ they lack suitably skilled staff, as admitted by the Chief Inspector.²¹ This can hinder effective work in the regional areas.
 20. Another significant problem is a lack of adequate sanctions for the violations of labour rights, including occupational safety norms. The Labour Inspection Service in Georgia uses warnings as the main administrative penalty, regardless of the severity of the violations, even though it is legally entitled to apply other administrative penalties, such as fines and suspension of the work process. The administrative penalty should be proportionate to the seriousness of the violation. Consequently, heavy reliance on warnings, regardless of the gravity of the breach, raises questions as to the proportionality of the penalty.²²
 21. Among the main concerns regarding the issue of protection of occupational safety is also the lack of adequate investigation of occupational accidents. Ineffective criminal response creates a syndrome of impunity, inciting a further cycle of violations. As a rule, such cases are terminated at the initial stage and if anyone is found liable, it is mostly the low-level employees. The representatives of the top management are rarely found criminally accountable. The reforms that would facilitate the investigation of similar crimes and the identification of responsible individuals or companies continue to be delayed.²³
 22. And lastly, the issue of a low number of complaints regarding the violations of labour safety must be outlined separately. During 2022, **only 42 complaints were filed to the Labour Inspection Service regarding the violations of labour safety**.²⁴ These figures speak of the need to activate state efforts to increase the awareness of the workers and the larger public regarding the essential norms of the labour rights and the workplace safety. Among other issues, it should be actively communicated to employees that the disclosure of violations committed by the employer to the Labour Inspection Service is a safe remedy, protected by the procedures of confidentiality.²⁵

2.2. Decent Working Conditions for Civil Servants

23. The labour Code of Georgia (Art. 24) establishes the duration of working time. According to the law, standard working time shall be any period during which an employee is working at the employer's disposal and is carrying out his/her activities or duties. Working time shall not include breaks and rest periods.

¹³ Ibid., p. 184.

¹⁴ Social Justice Center, Labour Inspection Service Assessment, 2021, p. 61, <https://cutt.ly/swFa2Xz1>.

¹⁵ Georgia Fair Labor Platform, Workplace Death & Injury Statistics, 2023, <https://cutt.ly/HwFsuVaf>.

¹⁶ Social Justice Center, Labour Inspectorate in Georgia: Challenges and Way Forward, 2022, p. 2, <https://cutt.ly/0wFsiIud>.

¹⁷ LEPL - Labour Inspection Office, 2021 Activity Report, p. 21, <https://cutt.ly/cwFsRxBO>.

¹⁸ LEPL - Labour Inspection Office, 2022 Activity Report, p. 13, <https://cutt.ly/1wFsY0s4>.

¹⁹ Chiatura, Tkibuli, Zestaponi and Rustavi Municipalities.

²⁰ Imereti and Adjara Regions.

²¹ Social Justice Center, Labour Inspection Service Assessment, 2021, p. 32.

²² Social Justice Center, Labour Inspectorate in Georgia: Challenges and Way Forward, 2022, p. 2.

²³ Social Justice Center, International Commemoration Day for Dead and Injured Workers, 2022, <https://cutt.ly/qwFaGcek>.

²⁴ LEPL - Labour Inspection Office, 2022 Activity Report, p. 13, <https://cutt.ly/1wFsY0s4>.

²⁵ Social Justice Center, Labour Inspectorate in Georgia: Challenges and Way Forward, 2022, p. 5.

Based on the law, standard working time shall not exceed 40 hours a week. The duration of standard working time in enterprises with specific operating conditions requiring more than 8 hours of uninterrupted production/work process shall not exceed 48 hours a week. The Government of Georgia shall, after consulting social partners, compile a list of industries with specific operating conditions. The labour Code provides additional protection for women after the birth of the child, for minors and legal representative/supporter of persons with a disability in the area of working hours. According to the law, employees who are breastfeeding infants under the age of 12 months may request an additional break of at least 1 hour a day. A break for breastfeeding shall be included in working time and shall be paid.

24. According to the Law of Georgia on Civil Service (Art. 60), an employee's working time is a part of the time during which an employee is obliged to exercise his/her official authority. According to the law, a 5-day working week is established for a public official, as well as the duration of a public official's working time should not exceed 8 hours per day, and 40 hours per week. Unlike the Labour Code of Georgia, which stipulates a maximum period of standardized working time of 40 hours, the Civil Service Law additionally sets a limit on the number of working days (5 working days), which should be positively evaluated.
25. The Labour Code of Georgia (Art. 30) guarantees public holidays with pay and public institutions use the same standard defined by the Code. According to the Labour Code, an employee has the right to request other rest days instead of the holidays provided for by this Law, which shall be determined by an employment agreement. If an employee works during the holidays referred to, it shall be deemed overtime work and should be compensated. According to the Labour Code of Georgia, an employee shall have the right to enjoy paid leave of at least 24 working days annually. An employee working under arduous, harmful, or hazardous labour conditions shall be granted an additional paid leave of 10 calendar days annually. Based on the law, an employment agreement may define the terms and conditions different from those provided for by this article. Such terms and conditions shall not worsen the condition of an employee.
26. The Civil Service Law (Art. 62) stipulates the minimum length of paid leave for an employee - 24 working days and the right to request arise 11 months after the appointment. The Law of Georgia on Civil Service provides for an exception, according to which, with the consent of a responsible person, a civil servant may be granted leave before the expiration of this term. The Civil Service Act provides for the possibility of paid leave in parts, although there is no defined minimum amount for any part. The possibility of deferring unpaid paid leave by an official during a calendar year has also been established. It is also necessary to agree on the periodicity of these days of leave with the head of the public institution.
27. According to the Annual Report of LEPL Labour Inspection Office, as a result of conducted inspections on the implementation of the Labour Code, in 2022 a) in 302 cases, instructions were issued on the ground of violation of recording working hours; b) in 84 cases, instructions were issued on the ground of violation of the length of overtime work; c) in 89 cases, instructions were issued on the ground of violation of the payment of overtime work; d) in 54 cases, instructions were issued on the ground of violation of provisions on the duration of leave; e) in 3 cases, instructions were issued on the ground of violation of the procedure for granting leave; d) in 20 cases, instructions were issued on the ground of violation of provisions on leave pay.²⁶
28. According to the Annual Report of LEPL Civil Service Bureau, 2579 civil servants have conducted overtime work (1151 civil servants have received additional holidays and 1428 civil servants have received bonuses for their overtime work²⁷). However, the public institutions have not registered all the cases of overtime work in practice.²⁸

2.3. Minimum Wage

29. Article 7 requires States to ensure that workers are paid wages that allow them to enjoy “a decent living for themselves and their families in accordance with” the Covenant. The Committee on Economic, Social and Cultural Rights stated in its General Comment No. 23 (2016) that this article includes a core obligation to establish a non-discriminatory, non-derogable minimum wage. It has also been found that the minimum

²⁶ LEPL - Labour Inspection Office, 2022 Activity Report, p. 30, <https://cutt.ly/1wFsY0s4>.

²⁷ LEPL - Civil Service Bureau, Annual Report 2022, p. 62, <https://cutt.ly/ywFsFMEq>.

²⁸ Tsukhishvili N., Svimonishvili M., Georgian Young Lawyers' Association, Labour Rights in Civil Service, Ministries and Self-Governing cities, 2022, <https://cutt.ly/uwFsHyO1>.

wage should be indexed to the cost of living, recognized in legislation and sufficient to provide a “decent living.”²⁹

30. Georgia currently satisfies none of these requirements. The private sector minimum wage of 20 GEL per month (approximately 6.70 EUR) has not been updated since 1999 and is the lowest minimum wage in the world.³⁰ It would not provide for a “decent living” under any definition of the term, and it is neither indexed to the cost of living nor recognized in legislation. The Government has recently discussed a new minimum wage based loosely on Georgia’s so-called subsistence minimum calculation. This would not meet Article 7 standards, however, because the subsistence minimum uses a flawed methodology that fails to consider workers’ ability to enjoy most Covenant rights.
31. The Special Rapporteur on Extreme Poverty and Human Rights recently urged states to set “the minimum wage at a level that either corresponds to the ‘living wage’ or to at least 60 % of the median wage in the country, whichever is highest.”³¹ At least three living wage estimates have been published for Georgia in recent years: 1,272 GEL per month (2021, Solidarity Network labor union), 1,706.50 GEL per month (2022, Wage Indicator Foundation) and 2,371 GEL per month (2021, Clean Clothes Campaign).³²

2.4. Sexual Harassment in the Workplace

32. The adoption of provisions on sexual harassment in several laws³³ should be considered a positive step. Still, despite that, legislative barriers, low awareness, and effective enforcement of laws remain problems, which hinder the protection of women from sexual harassment at the workplace.
33. The definition of sexual harassment considered by the Labour Code of Georgia (Art. 4(5)) doesn’t comply with the Istanbul Convention as it includes cumulative circumstances: the purpose or effect of violating the dignity of the person concerned and the creation of an intimidating, hostile, degrading, humiliating, or offensive environment, while according to the Istanbul Convention (Art. 4), the creation of an intimidating, hostile, degrading, humiliating, or offensive environment is a form of the violation of the dignity of a person. Stemming largely from established societal norms, many civil servants perceive sexual harassment as a part of their typical working culture.³⁴ Effective application of internal preventive mechanisms relating to sexual harassment is still a challenge in private entities.³⁵
34. Reporting of sexual harassment is low, and victims who come forward face public condemnation and legal action against them for “defamation.” The low level of reporting by victims is mainly caused by the attitude among some of the general population who believe that sexual harassment is socially acceptable behavior and that victims themselves often provoke it.³⁶ The decision of the Supreme Court of Georgia on a defamation case against a victim of sexual harassment has a negative impact on reporting sexual harassment cases.³⁷ Despite the fact that the Labor Inspection Service has the power to enter any workplace for inspection without prior notice and supervise the implementation of labor norms,³⁸ including the detection and study of cases of discrimination in the workplace, the effective enforcement of existing regulations remains critical. Since January 1st, 2021, the Labor Inspection Service has found sexual harassment in the workplace in one case.³⁹

Lists of Issues:

1. When is the Government going to define the maximum duration of overtime work in the private sector?

²⁹ The Committee defined a decent living as one that enables workers “to enjoy other rights in the Covenant, such as social security, health care, education and an adequate standard of living, including food, water and sanitation, housing, clothing and additional expenses such as commuting costs.”

³⁰ A global guide on minimum wage by country, <https://cutt.ly/YwFsKH0x>.

³¹ Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter, A/78/175, 2023, par. 59, <https://cutt.ly/hwFsZJYk>.

³² Solidarity Network, How much should nurses’ living wage be? The vision of Solidarity Network, 2021, <https://cutt.ly/owFsCr7a>; Georgia Fair Labor Platform, Living Wage in Georgia, <https://cutt.ly/owFsCNwL>; Clean Clothes Campaign, Europe Floor Wage, <https://cutt.ly/owFsVZ9w>.

³³ Law of Georgia on the Elimination of All Forms of Discrimination, Art. 2 (3²), Organic Law of Georgia - Labour Code of Georgia, Art. 4 (5); Law of Georgia - Administrative Offences Code of Georgia, Art. 166¹.

³⁴ UN Women, Workplace Sexual Harassment in the Civil Service in Georgia, 2021, p. 7, <https://cutt.ly/UwFdpcbH>.

³⁵ Public Defender of Georgia, Special Report on Combating and Preventing Discrimination and the Situation of Equality, 2022, p. 4, <https://cutt.ly/fwFdsEKu>.

³⁶ GREVIO Baseline evaluation report Georgia on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), p. 55, <https://cutt.ly/RwFdfFaH>; Tbilisi City Court, N2/18834-18, June 25, 2018.

³⁷ Supreme Court of Georgia, Case # NAS-358-2021, April 13, 2022.

³⁸ The Law of Georgia on Labor Inspection Service, Art. 16 (2).

³⁹ LEPL - Labor Inspection Office, Letter N 62301135515; 26.10.23.

2. When is the Government going to define the rate of remuneration for overtime work in the private and public sector?
3. What measures does the government plan to take to develop the capacities of the Labour Inspection Service, including its human, administrative and technical resources to ensure more effective monitoring and enforcement of labour safety norms?
4. What measures does the government plan to take to ensure adequate criminal investigation of cases of death and injury of employees at workplaces?
5. What measures does the government plan to take to ensure raising awareness regarding the mandate of the Labour Inspection Service among the general public and encouraging the filing of complaints regarding labour rights violations?
6. What measures does the government plan to adopt a new minimum wage that guarantees a “decent living” envisioned by the Committee?
7. What are the plans of the government to examine the existing definition of sexual harassment and make changes in line with the requirements of the Istanbul Convention?
8. Which measures have been taken, and what are the plans of the country to prevent and eradicate the public stereotypes and attitudes towards victims of sexual harassment?
9. What measures have been taken, and what are the plans of the authorities to support effective enforcement of existing mechanisms?

3. Trade Unions and Collective Bargaining Mechanisms (Art. 8)

3.1. Collective Bargaining Mechanisms

35. Although the right of workers to collective bargaining is guaranteed by Georgian legislation, it is not effectively protected in practice. During 2023 there were several such cases observed, which attracted the attention of the general public. These cases took place within the protests organized by the employees of the Mineral Water Company Sairme and the couriers of the Delivery Service Company Wolt.
36. The case of Mineral Water Company Sairme concerned the strike of more than 30 employees of the company due to poor working conditions. In parallel with the process of strike, according to the legislation of Georgia, collective negotiations were underway between the employer company and the striking workers. One of the main issues that hindered the process of negotiation was the employer’s demand that the representative chosen by the workers, the head of the trade union on the agricultural and industrial issues, be excluded from the negotiation process. The employer refused to continue the process of negotiation if this demand was not fulfilled. The employer’s action infringed the workers’ right to choose their representative in full freedom and it also contained the signs of anti-union discrimination. The demand to exclude the representative of the trade union from the negotiation process lacked any adequate reasoning and created the well-grounded assumption that it was connected to the activism of this individual and open criticism voiced by him regarding the alleged labour rights violations committed by the company. The state bodies did not react to these facts, contrary to the State’s positive duty to ensure the free exercise of the workers’ right to organize and bargain collectively.
37. Another case where the employer hindered the free exercise of the workers’ right to collective bargaining is the employer’s refusal to meet collectively with the protesting couriers of the Delivery Service Company Wolt. The couriers requested to meet collectively with the management of the company for negotiation. However, the company openly refused to attend such meeting. According to their statement, they considered that such a meeting would be counterproductive and agreed to meet only with small groups of couriers. The state bodies did not react to this fact, contrary to their positive duty to ensure the free exercise of the workers’ right to organize and collective bargaining. It should be noted that part of the Wolt couriers applied to the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and requested the appointment of the mediator in the process of a collective dispute with the employer Company, according to the provisions of the Georgian labour legislation. The Ministry refused to appoint the mediator, stating that the relationship between the couriers and the Wolt Company was not an employment relationship. The Ministry’s decision was not substantiated by any convincing argumentation.

3.2. The Right to Strike

38. The right to strike is guaranteed by the Constitution of Georgia (Art. 26). According to article 64 of the Labour Code of Georgia, a strike shall be an employee's temporary and voluntary refusal, in the case of a dispute, to fulfill, wholly or partially, the duties under an employment agreement. Such persons as determined by the legislation of Georgia shall not participate in a strike. In the case of a collective dispute, the right to strike shall arise upon the lapse of 21 calendar days after the Minister is notified in writing under Article 63(3) of this Law, or after the Minister appoints a dispute mediator on his/her own initiative under Article 63(4) of this Law. Besides, the parties to the dispute shall notify each other and the Minister in writing of the time, place, and type of strike and the number of persons participating in a strike, not later than 3 calendar days before the strike. During a strike, the parties shall carry on conciliation procedures. During a strike or a lockout, an employer shall not be obliged to pay an employee remuneration and a strike shall not be a basis for terminating labour relations.
39. According to the Labour Code of Georgia, the participation of an employee in a strike shall not be deemed to be a violation of labour discipline and shall not serve as a basis for terminating an employment agreement, unless the strike is illegal. If one of the parties has avoided participating in conciliation procedures and has staged a strike, the strike shall be declared illegal. A court shall deliver a decision on declaring a strike illegal. Such decision shall be immediately notified to the parties involved. A court a decision on declaring a strike or a lockout illegal shall be executed without delay.
40. According to the Labour Code of Georgia, in no case shall an employee fully exercise the right to strike if he/she performs work to carry out activities, which, if completely interrupted, would pose an obvious and imminent threat to the life, personal safety, or health of society at large or a certain part of society. The Minister shall determine the list of critical services (in the narrow sense of this term) involving the activities referred to in paragraph 1 of this article after consulting social partners. Employees working for critical service providers may exercise the right to strike if they ensure that a minimum service is provided. The Minister shall determine the limits of a minimum service after consulting social partners. In determining the limits of a minimum service, the Minister shall only consider the work processes, which are necessary for the protection of the life, personal safety, or health of society-at-large or a certain part of society.
41. In practice, the strikes frequently happen in the private and public sectors in Georgia.⁴⁰ However, the mandatory reconciliation procedure is not often successful and the rights of employees are violated.⁴¹ In June 2023, Chiatura miners' demands include fair pay, regulation of labor safety norms, solving hygiene and food issues – all of which are basic conditions for any responsible, decent work environment. Nevertheless, neither the Georgian Manganese nor the state are making any real effort to solve these problems. Ignoring the miners' fair and legal demands has led them to adopt more extreme forms of protest: both in Chiatura and in Tbilisi, miners have started hunger strikes and resorted to self-harm, such as sewing their mouths shut. Some are now at risk of serious health damage, and at least one hunger striker has lost consciousness.⁴²
42. In November 2023, 37 employees of the Opera and Ballet Theater began their strike, demanding that their salaries be increased by 100%.⁴³ The striking employees say their current salaries top out at 600 GEL/201 EUR, a meager amount considering rising prices, inflation and a workload that they say is irreversibly increasing. The strike followed a legally mandated mediation period overseen by the Ministry of Labor, which ultimately proved unsuccessful. Disturbingly, several employees were terminated shortly after the strike was announced, according to the Trade Union of Science, Education and Culture Workers. Since the strike came after the legally mandated mediation period ended unsuccessfully, workers were fully within their rights to strike.

Lists of Issues:

1. What measures does the government plan to take to ensure that employers respect the workers' rights to collective bargaining?

⁴⁰ Fair Labour Platform, Government must take urgent actions as Chiatura miners' protest enters 15th day, 2023, <https://cutt.ly/xwFdcrcF>; Fair Labour Platform, Tbilisi Opera and Ballet Theater Workers strike for better pay, 2023, <https://cutt.ly/gwFdcRB7>.

⁴¹ Fair Labour Platform, Tbilisi Opera and Ballet Theater Workers strike for better pay, 2023, <https://cutt.ly/gwFdcRB7>.

⁴² Fair Labour Platform, Government must take urgent actions as Chiatura miners' protest enters 15th day, 2023, <https://cutt.ly/xwFdcrcF>.

⁴³ Fair Labour Platform, Tbilisi Opera and Ballet Theater Workers strike for better pay, 2023, <https://cutt.ly/gwFdcRB7>.

2. How is the Government going to improve the effectiveness of reconciliation procedures and prevent strikes in the private and public sectors?

4. Protection of the Family (Art. 10)

4.1 Maternity and Parental Leave

43. The right of employed women to relevant remuneration for maternity leave is not adequately ensured in Georgia. In 2020, various changes were made in the labour legislation to bring it closer to international standards and improve the level of labour rights protection. The amendments made in the Labour Code included new rules in relation to the various aspects of maternity leave. As a result of these changes, the regulation of issues of maternity leave improved to some extent. However, there are still major shortcomings remaining in the legislation and practice.
44. According to the legislation existing before the 2020 labour reform, the women employed in the private sector were entitled to 730 days of maternity leave out of which 183 days (6 months) were to be remunerated. **The maximum pay envisaged for the entire payable period was 1000 GEL (335 EUR)** which was given from the state budget as a single allowance. The employers in the private sector bore no obligation to provide remuneration for the maternity leave of employed women. The aforementioned amount of pay was extremely inadequate to take care of the essential needs of the mother and her newborn child. Therefore, the employed women refrained from the full usage of maternity leave and went back to work soon to continue receiving a normal salary. This situation practically restricted the right to maternity leave of women employed in the private sector. The picture was drastically different in the public sector. According to the Law of Georgia on Public Service, the women employed in the public bodies, with the status of a public officer, were entitled to pay **equal to their full salary** during the entire payable period of maternity leave - 183 days (6 months).
45. Another significant problem in relation to the previous legislation was the lack of clear legal provisions, which would grant fathers the right to parental leave and ease the childcare responsibilities of new mothers. According to the Labour Code, the employee was entitled to leave for pregnancy, childbirth and childcare. The component of childcare was not separated from the component of pregnancy and childbirth. The Code established a single entire period for the whole maternity leave – that of 730 days – and did not determine the independent length/period for each of its components. Thus, the childcare leave was essentially linked to the fact of pregnancy and childbirth, the subject of which could be only the mother. The father had no clear legal ground to request the childcare leave.
46. According to the 2020 labour reform, the protection of the right to maternity leave slightly improved. Specifically, according to the changes made in the Labour Code, the definition of maternity leave was divided into several components. The concept of maternity leave due to pregnancy and childbirth was separated from the concept of childcare leave. The legislation also specified the number of days envisaged for pregnancy and childbirth leave and that of the childcare leave and stipulated that the fathers could be the subjects of the right to childcare leave. According to the new regulations, childcare leave can be applied by either the mother or the father. It should be noted that the payable periods were specified for the pregnancy and childbirth leave and the childcare leave separately. The 126 days of leave allocated for the pregnancy and childbirth were fully payable. As for the childcare leave, 57 days were payable out of 604 - the total number of days.⁴⁴
47. However, according to the Georgian Law on Public Service (Art. 64), maternity leave due to pregnancy and childbirth is not separated from the right to childcare leave, which negatively affects the rights of fathers. Therefore, the child's father is allowed to take an adoption leave, which is 90 days and may only be used if the child's mother has not used the maternity leave. These regulations unjustifiably limit the right of paternity leave and reduce its period.
48. Despite certain positive changes, the 2020 labour reform overlooked the main issue that was making the right to maternity leave practically unrealizable – the critically low pay. The employed women in the private sector remained entitled only to 1000 GEL for the entire payable period of the maternity leave (183 days (6 months)). If the father applied for childcare leave, then the 1000 GEL would be divided between the

⁴⁴ Social Justice Center, Maternity Leave before and after 2020 Labour Reform, 2021, p. 7.

mother and the father in proportion to the payable days of leave applied by them. The 1000 GEL pay during 6 months amounts to approximately 166 GEL/55.6 EUR a month, which is lower than the subsistence minimum⁴⁵ and drastically lower than the average salary⁴⁶ in Georgia. Unlike the women employed in the private sector, the women employed in the public bodies, with the status of the public officer, continued to receive pay equal to their full salary during the entire payable period of maternity leave (6 months).

49. It should be noted that since 1 January 2023, the pay for maternity leave increased in Georgia for employees in the private sector, amounting to 2000 GEL. However, it is still very low to adequately take care of the needs of the mother and her newborn child.

4.2. Combating Domestic Violence

50. Georgian authorities have made a considerable effort towards eliminating domestic violence, although there remain challenges at the legislative and enforcement levels. The high rate of domestic violence is a pressing issue in the country. The statistical data on the killing or attempted killing of women is increasing.⁴⁷
51. The definition of rape fails to meet international human rights standards. Force-based definitions often leave certain types of rape unpunished.⁴⁸ The Criminal Procedure Code of Georgia doesn't comply with the Istanbul Convention, as it doesn't ensure avoiding contact between the victim and the alleged perpetrator within the court. The state doesn't enable the victim to testify without the presence of the alleged perpetrator, which often causes the victim's revictimization.⁴⁹
52. Stereotyping and gender bias in the justice system are a serious challenge in Georgia, which often cause impunity for acts of violence against women. The gender bias of the judges often affects the credibility given to the victim's testimony and causes misapplication of laws, which results in perpetrators not being held legally accountable for domestic violence.⁵⁰
53. The definition of domestic violence in the Criminal Code doesn't cover the violence between non-married partners who do not share/have not shared a residence, which leaves certain acts of violence unpunished.⁵¹
54. Georgia does not have a specific integrated system of data collection on domestic violence and other forms of violence against women. Various authorities, including the police, the prosecution authorities, the judiciary, and other authorities, collect data, but these are not collated centrally to provide a comprehensive picture of the phenomenon of violence against women and domestic violence.⁵²

Lists of Issues:

1. What measures does the government plan to take to increase the drastically low pay for maternity leave for women employed in the private sector?
2. What are the plans of the government to examine the existing definition of rape and make changes in line with the requirements of the Istanbul Convention?
3. Which measures have been taken, and what are the plans of the country to prevent and eradicate the stereotypes and attitudes in the judicial system towards victims of domestic violence?
4. What are the plans of the authorities to punish domestic violence between non-married partners?
5. What are the plans of the country to create an integrated data collection system on domestic violence?

⁴⁵ As of November 2023, the subsistence minimum for the working age male amounted to 252.3 GEL (84.5 EUR) in Georgia, <https://cutt.ly/GwFdR1tJ>.

⁴⁶ In the fourth quarter of 2022, the average salary amounted to 1773.7 GEL (594 EUR), according to the data of the National Statistics Office of Georgia: <https://cutt.ly/7wFamc73>.

⁴⁷ Report of the Public Defender of Georgia on Protection of Human Rights and Freedoms in Georgia, 2022, p. 159, <https://cutt.ly/EwFa1JQB>.

⁴⁸ Criminal Code of Georgia, Arts. 137-139.

⁴⁹ According to article 243 of the Criminal Procedure Code of Georgia, by a court decision, upon motion of a party, a witness may be examined remotely, by using technical means from the same or another court or any other place, of which the parties shall be notified in advance. Although it doesn't mean the possibility of testifying the victim without the presence of the alleged perpetrator.

⁵⁰ Criminal Case No1/4291-20, October 21, 2022; Report of the Public Defender of Georgia on Protection of Human Rights and Freedoms in Georgia, 2022, pp. 158-159, <https://cutt.ly/EwFa1JQB>.

⁵¹ GREVIO Baseline evaluation report Georgia on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), p.12, <https://cutt.ly/RwFdFfaH>.

⁵² Ibid., p. 22, par. 69.

5. The Rights to Social Protection and Adequate Standard of Living (Arts. 9 and 11)

55. Poverty and inadequate social protection have been one of the most persistent challenges in Georgia since its independence. Recent data from the 2022 report by the National Statistics Office underscores the gravity of the situation, revealing that 15.6% of the population resides below the absolute poverty line, accompanied by a relative poverty rate of 19.9%.⁵³
56. In 2006, a significant change in the social protection system occurred with the enactment of the Law on Social Assistance. According to the explanatory note of the Law, the essence of social assistance was framed as a gift from the government, rather than being construed as a legal right. This change also reflected the government's perspective on social protection measures, emphasizing a targeted approach. Almost two decades later, the government still adheres to the same approaches in its social assistance policies.

5.1. Targeted Social Assistance in Georgia

57. The targeted social assistance Program (hereinafter referred to as "TSA") is one of the most crucial elements of social protection in Georgia. It foresees the provision of monthly financial assistance to families living in poverty and having the TSA score under the statutory threshold – 65,000 points for families consisting of individuals aged 16 and above and 120,000 points for every family member under 16. The monthly cash allowance for individuals aged 16 and above is 30-60 GEL/10-20 EUR, whereas support for children under 16 equals 200 GEL/67 EUR. Notably, the amount falls below the subsistence minimum, rendering it insufficient for individuals to fulfill their minimal needs.
58. To be eligible for the program, individuals must be listed in the unified database of socially vulnerable families and undergo a socioeconomic status assessment. By November 2023, 1,206,980 individuals were registered in the database, constituting 32.4 % of the nation's population, which imply that one out of every three individuals in the country is seeking TSA. Furthermore, in 2023, the number TSA recipients reached a peak, with 676,641 beneficiaries recorded in March. It is also noteworthy, that by May 2023, in 32 out of the country's 64 municipalities, over 25% of the population were TSA recipients, while in five municipalities (Keda, Oni, Tsageri, Lentekhi, and Mestia) the proportion of recipients surpassed half of the local population.⁵⁴
59. The prolonged duration of the dependence of the beneficiaries on the TSA is also observed. By June 2023, 47 % of TSA recipients had been in the system for more than five years, while 19.3% - over 11 years. Over 61,000 individuals had been recipients of the TSA for a period exceeding 15 years.
60. One of the major drawbacks of the system is that it excludes certain groups and households who might need the assistance the most. For example, the existing regulations prevent persons living on the streets from receiving TSA. According to UNICEF, one-third of the households living below the poverty line are abstaining from applying to the state for assessment and subsequent TSA allocation. On the other hand, the system employs Proxy Means-Testing (PMT), which by its design has inclusion and exclusion errors, as a result of which the households living in poverty might fall outside the system. For example, a study by the ILO revealed that by 2018 TSA covered only 43 % of the poorest decile of children, while according to UNICEF, by 2019, 76 % of households in the poorest decile were covered by one or more social assistance programs, including TSA.⁵⁵
61. The PMT system, which is based on the computerized score-granting mechanism, not only prevents the persons from receiving the TSA but also limits their ability to challenge the TSA score – they have to wait for the re-assessment from the Social Service Agency for one year. On the other hand, a TSA score is a prerequisite for getting involved in a number of municipal social protection mechanisms, such as free meals program, coverage of the costs of medical treatment and/or medicines, and monetary assistance programs, which excludes persons falling outside the TSA from the basic protection.⁵⁶

⁵³ National Statistics Office of Georgia, Poverty and Gini Coefficients, <https://bit.ly/3JBwjiW>.

⁵⁴ Social Justice Center, The Social Justice Center Assesses the Human Rights Situation in 2023, 2023, p. 22, <https://cutt.ly/fwFAemjV>.

⁵⁵ International Labour Organization, UN Women, Assessment of the Social Protection System in Georgia, Final Report, 2020, p. 2, 23, 42 – 43, 54, 117; UNICEF, A Detailed Analysis of Targeted Social Assistance and Child Poverty and Simulations of the Poverty – Reducing Effects of Social Transfers, 2019, pp. 5, 13.

⁵⁶ Social Justice Center, The Role of Targeted Social Assistance in the Social Protection System and Its Connection with Other Social Support Services, 2023, <https://cutt.ly/5wFAWrgI>.

5.2. The Right to Adequate Housing

62. The right to adequate housing is one of the most overlooked issues by the Georgian government and is not recognized by the national legislative and policy frameworks. Crucial data, such as the prevalence of homelessness, root causes, forms of homelessness, and the specific needs of homeless groups, is nonexistent, while the government still has not developed a national housing strategy and action plan. Despite the dire need, the right to adequate housing was not reflected in the National Strategy for the Protection of Human Rights (2022-2030) at all, which once again shows that housing is not regarded as a human rights issue and state authorities are not committed to developing comprehensive housing policy.
63. Apart from the lack of relevant policy measures, the legislative framework is also very challenging and does not correspond with the international human rights standards. With the absence of relevant regulations, the central government evades responsibility for ensuring adequate housing. Concurrently, municipal endeavors are disjointed and ineffective, further complicating efforts to address housing issues.
64. The Law on Social Assistance defines the term – “homeless person”, as “a person with no specific and permanent place of residence who is registered as homeless by a local self-governing body”, which is vague and cannot be employed as an effective tool for the identification and coverage of homeless persons in the country. The requirement of a specific and permanent place of residence excludes various homeless groups, including, persons living in inadequate/non-conventional housing, persons temporarily living with friends and/or relatives, and institutionalized persons with disabilities, from the definition. As a result, this term is not employed by the local municipalities – as of December 2023, only 22 municipalities (out of 64 municipalities)⁵⁷ had approved special rules for the registration of homeless persons and their provision of housing. It should be noted, that the criteria for the registration do not reflect the essence of the right to adequate housing and are not uniform, which creates an unequal approach between the persons with the same needs but different places of residence.
65. The availability and adequacy of housing services can also be regarded as one of the most challenging issues. The housing services are extremely limited – only some municipalities have emergency shelter, rent allowance and social housing programs. The challenges regarding the services are complex, however, the most pressing issues are connected with the adequacy of social housing and the lack of long-term solutions to homelessness. Issues such as extreme overcrowding, a lack of housing accessibility for persons with disabilities, and obstacles in reaching social services are prevalent problems in social housing across Georgia, especially, in Tbilisi, Gori, Rustavi and Ozurgeti Municipalities. Additionally, in Gori social housing, structural damages escalate risks to the life and health of residents, underscoring the urgent need for action.⁵⁸
66. Apart from these services, the affordability of social housing has become acute in recent years. According to the research of the Social Justice Center, by 2021, 41.7 % of persons living in rented or pledged properties did not have financial access to housing. The increase in the cost of renting in large cities, especially Tbilisi, created acute challenges for students, however, their needs have not been met yet.
67. One of the main challenges concerning the realization of the right to adequate housing is extremely flawed eviction legislation and policy, which does not correspond with international human rights standards. The relevant legislation does not provide legal guarantees for persons/households before (prevention of eviction), during and after (providing persons necessary support, including alternative housing) evictions.⁵⁹
68. Despite the court examining the cases of eviction, the assessment predominantly revolves around property rights, sidelining the right to adequate housing for those facing eviction. The court typically focuses solely on the ownership status of the housing, while considerations such as the risk of homelessness for families undergoing eviction, their socio-economic vulnerability, and their pressing need for support are overlooked. However, instead of the refinement of the process, the government plans to amend the legislation to permit certain evictions (e.g., in cases of non-fulfillment of rental agreement obligations)

⁵⁷ Tbilisi, Rustavi, Gori, Sagarejo, Senaki, Samtredia, Tetritskharo, Zugdidi, Vani, Ambrolauri, Kharagauli, Martvili, Dusheti, Bolnisi, Adigeni, Dmanisi, Chokhatauri, Batumi, Gurjaani, Khoni, Mestia and Sighnaghi Municipalities.

⁵⁸ Social Justice Center, Practice of Providing Housing for Homeless Groups: What are the Special Needs of Women, 2022, <https://cutt.ly/9wFAM8LL>; Public Defender of Georgia, Implementation of Housing Services in the Context of the Rights of Persons with Disabilities, 2022, <https://cutt.ly/KwFAMRY0>.

⁵⁹ Social Justice Center, The Right to Adequate Housing - the Analysis of Basic Challenges, 2018, pp. 72-83, <https://cutt.ly/IwFA0K44>.

without court consideration, which will significantly worsen the human rights situation of persons facing evictions.⁶⁰

69. Furthermore, the removal of individuals during the demolition of dwellings constructed through self-help measures, without specific authorization, is not categorized as a form of eviction. Consequently, individuals in these situations are deprived of even basic protection. Regrettably, rather than aligning eviction policies with international standards, the government opted to criminalize the unauthorized construction of housing – a measure often taken by homeless individuals as acts of self-help. This approach exacerbates the challenges faced by vulnerable populations.

Lists of Issues:

1. What is the vision of the government towards eradication of poverty and whether it foresees introducing universal social protection measures instead of targeted ones?
2. Which concrete measures are foreseen by the government to reduce dependency on TSA?
3. What is the main reason for not recognizing the right to adequate housing and not creating a national strategy and action plan?
4. What is the vision of the government concerning the harmonization of eviction legal and policy frameworks with the international human rights standards?

6. The Right to Healthcare (Art. 12)

70. The state adopted the law on the rights of people with disabilities in 2020. The state declared its obligation to protect the reproductive rights of women with disabilities, which must be considered as a positive step. However, realizing sexual and reproductive rights is still challenging in the state, moreover, protecting the SRHR regressed in 2023.
71. The Ministry of Health Care made amendments⁶¹ in the order of the Minister about the “Artificial termination of the pregnancy.” Based on the amendments, pre-abortion consultation from a social worker and psychologist will be mandatory from January 2024. Also, the results of radiological research must be included in the medical documentation. The new regulation sets doctors liable for violating the mandatory 5-day waiting period. The new regulation is against the WHO guidelines on abortion⁶² and the ESCR.⁶³ Restriction of the legislation will reduce access to sexual and reproductive services and violate the right to health of women. The regulation is particularly problematic for adolescents and women with disabilities, as well as women in rural areas. Mandatory consultations with social workers and doctors will create the risk of confidentiality infringement in rural areas. The particularly problematic issue is that psychology is not a licensed profession in Georgia, therefore the ethics and quality of psychologists cannot be monitored.
72. Sexual and reproductive health rights realization is problematic for women in psychiatric and state care facilities. There are problems identified in facilities:⁶⁴
- State-recognized clinical practice in mental health, practical manuals, and national guidelines must be updated. Most of them, unlike international guidelines, do not include a special chapter that directly deals with women's sexuality and how it will affect reproductive health. There is no guide implemented in the country that will contribute to mental health during pregnancy treatment and care of a woman with a psychiatric problem. In addition, medical personnel are not guided by the minimal recommendations about reproductive health provided in national guidelines.
 - Women with mental health problems are not involved in the early detection state screening program (except hepatitis C screening). Breast and cervical cancer are especially problematic because of the inaccessibility of the state program. Testing for HIV infection and syphilis infection is not systemic.
 - Medical staff, namely psychiatrists and gynecologists, lack knowledge/awareness of the psychotropic drugs' influence on sexual and reproductive health. Also, the number of patients/beneficiaries is

⁶⁰ Social Justice Center, The Social Justice Center Assesses the Human Rights Situation in 2023, 2023, p. 17.

⁶¹ Order N 75/N of the Minister of Internally Displaced Persons from Occupied Territories, Labour, Health and Social Affairs of Georgia “on Amending the Rules for the Implementation of Artificial Termination of Pregnancy”, 26.10.2023.

⁶² WHO, Abortion Care Guideline, 2022, <https://cutt.ly/UwFdKOSM>.

⁶³ Committee on Economic, Social and Cultural Rights, General Comment No. 22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights), <https://cutt.ly/swFdUKOT>.

⁶⁴ Public Defender of Georgia, Special Report on Protection of Women's Sexual and Reproductive Health and Rights in Psychiatric and State Care Institutions, 2020, pp. 7-8, <https://cutt.ly/9wFdP41k>.

drastically lower in knowledge about their sexual and reproductive health and rights. They have no information on the adverse effects of prescribed psychotropic medications about side effects, including the effect of drugs on sexual and reproductive health.

- The reveal of the violence between patients is a challenge for the administration and staff of the institutions, including alleged sexual abuse. Medical staff are indifferent to such "complaints" of patients regarding the facts and often ignore them.
- Using the medication to decrease the libido in patients was identified.

Lists of Issues:

1. What is the explanation for setting new restricting legislation which contradicts the international standards on abortion?
2. What is the timeline for regulating the psychologist's profession?
3. How does the state plan to respond to the lack of psychologists and social workers?
4. What measures have the state taken to provide knowledge on SRHR to the administration and staff of the state care institutions?
5. What are the measures the state has taken to protect the children with disabilities in the facilities, particularly in rural areas from violence, including sexual abuse?

7. The Right to Education (Art. 13)

73. The Ministry of Education and Science developed and piloted the program "Doctor's Hour" collaborating with "Tanadgoma" and UNFPA. Doctor's Hour includes some of the topics of CSE, however, the program is not mandatory and the program does not cover all the topics based on the technical guidelines of UNESCO.
74. Comprehensive Sexual Education is not introduced in the educational system. Education about human sexuality is poorly represented in the general education system of Georgia. The school cannot provide children and young people with important information about their feelings and bodies, sexual identity, gender-based violence, healthy relationships, and other topics of the same order.⁶⁵ The component of human sexuality isn't fully integrated into school education as the approach applied by the Ministry of Education and Science of Georgia towards education on human sexuality is narrow and deals only with the medical aspects of reproductive health.⁶⁶ Inadequate knowledge/competence of teachers themselves on reproductive health issues also remains a challenge.
75. Even though Georgia has received recommendations⁶⁷ for introducing CSE in educational curricula, the Ministry of Education does not work effectively to introduce CSE and eliminate societal stereotypes. "The doctor's hour," which is introduced, is not sufficient to fight against the high rate of sexual violence, early pregnancy, and abortions in minors.⁶⁸ Introducing CSE is crucial for children with disabilities, as only 13 children with disabilities have been granted the status of victim out of 638 cases of sexual crimes against children.⁶⁹ There are 2 pending cases in Tbilisi City Court requesting the introduce of CSE in curricula for children with disabilities,⁷⁰ however the state does not have effective plan to implement the CSE in education plan.

Lists of Issues:

1. What is the timeline for introducing the CSE in curricula?
2. What measures did the Ministry of Education and Science take to eliminate societal stereotypes?
3. What measures did the Ministry of Education and Science take to work with teachers and heads of schools about implementing CSE?

⁶⁵ UNFPA, Report on Results, Sexuality Education Review and Assessment Tool (Serat), 2022, pp. 4-5, <https://cutt.ly/ZwFdA7zw>.

⁶⁶ Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia, 2021, p. 117, <https://cutt.ly/EwFdDfY>.

⁶⁷ CEDAW, Concluding observation on combined fourth and fifth periodic reports of Georgia, 2014, <https://cutt.ly/ywFdHWnU>; CRC, Concluding observations on the fourth periodic report of Georgia, 2017, <https://cutt.ly/2wFdH2Ik>; Report of the Working Group on the Universal Periodic Review, 2021, <https://cutt.ly/cwFdJXny>.

⁶⁸ CCPR, Concluding observations on the fifth periodic report of Georgia, 2022, <https://cutt.ly/7wFdLsQy>.

⁶⁹ The statistics from the Ministry of Internal Affairs.

⁷⁰ Case # 3/4083-23, applying date: 31.05.2023; Case # 3/5058-21, applying date: 10.08.20.