



European
Social
Charter

Charte
Sociale
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COUNCIL
OF EUROPE

CONSEIL
DE L'EUROPE

29/10/2012

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EUROPEAN SOCIAL CHARTER

REPLY TO SUPPLEMENTARY QUESTIONS

5th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF GEORGIA

(Article 1§2
for the period 01/01/2007 – 31/12/2010)

Report registered by the Secretariat on 8 October 2012

CYCLE 2012



საქართველოს შრომის, ჯანმრთელობისა
და სოციალური დაცვის სამინისტრო
**MINISTRY OF LABOUR, HEALTH AND SOCIAL
AFFAIRS OF GEORGIA**



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საქართველო, თბილისი 0159; აკნერეთლის გამზ. 144; ტელ.: (+995 32) 251 00 11; ფაქსი: (+995 32) 251 00 19; ცხელი ხაზი: (+995 32) 251 00 33; 251 15 05;
ელ.ფოსტა: info@mol.gov.ge

144 Ak.Tsereteli ave., 0159, Tbilisi, Georgia; Tel.: (+995 32) 251 00 11; Fax: (+995 32) 251 00 19; Hot line: (+995 32) 251 00 33; 251 15 05; E-mail: info@mol.gov.ge

№ 01/58625

20 / September / 2012

Mr Régis Brillat
Head of Department of the European Social Charter
and the European Code of Social Security, Executive
Secretary
of the European Committee of Social Rights
Directorate of Human Rights

Dear Mr. Brillat,

First of all, let me to convey my highest consideration to the Governmental Committee of the European Social Charter and European Code of Social Security.

In response to Your letter (ESC 170 HK/CT) of current year, based on information of the Ministry of Defense of Georgia, we would like to inform you that:

1. According to clause 14, Article 2 of the Law of Georgia on Military Duty and Military Service, form of an agreement on contracted (professional) service to be performed in the Armed Forces of Georgia, shall be determined by individual legal act by the Minister of Defence of Georgia. Currently, the term of primary contract in the Armed Forces of Georgia amounts to 4 years, while for Officers this amounts to 5 years.

2. In compliance with clause 2, Article 21 of the Law of Georgia on the Status of Military Servant, a military servant shall be dismissed in the following cases:

- a) if he/she reaches age limit;
- b) due to illness;
- c) with respect to reorganization and personnel reduction;
- d) due to incompetency;
- e) due to action abusing dignity of military servant;
- f) for severe and extremely severe criminal offence committed, after the court decision;
- g) by personal will, if he/she has served not less than 10 years as the Officer;
- h) on the basis of agreement of the parties, or due to violation of terms of an agreement;
- i) by personal statement, as an exception, due to substantiated reason confirmed by respective documents: due to severe family condition, moving to another state to live permanently, election or appointment to any state authority.

3. In compliance with Article 15 of the Law of Georgia on the Status of military Servants:

a) in case of being in a military unit in the field or direct participation in an armed conflict, during military emergency, or execution of special assignment equaling to military operations, during peaceful period, one day will be considered as three days of service for military servant. For a person who did not participated in an armed conflict directly and was in a military preparedness, or insured military actions, or was in an armed conflict zone, in peacekeeping forces, one day will be considered as two days of service;

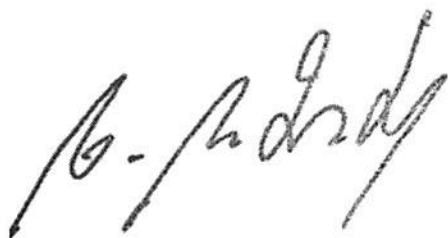
b) For a military servant, having a direct contact with liquids harmful for health, chemical, poisoning, radioactive and other substances, one day will be considered as a day and half of service;

c) special terms of performance of military service in closed military garrisons and separate military units, military-air and some other categories of military units and formations, special-purpose forces, and by military servants stipulated by subclause (a), clause 3 of the present letter shall be determined by the President of Georgia.

Please, accept Mr. Régis Brillat, assurances of my highest consideration.

Yours sincerely,

Deputy Minister

A handwritten signature in black ink, appearing to read 'Davit Lomidze', written in a cursive style.

Davit Lomidze

SECRETARIAT GENERAL

DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW

DIRECTORATE OF HUMAN RIGHTS

HEAD OF THE DEPARTMENT
OF THE EUROPEAN SOCIAL CHARTER
AND THE EUROPEAN CODE OF SOCIAL SECURITY,
EXECUTIVE SECRETARY
OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS

ESC 170
HK/CT



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Mr David Okropiridze
Head of Social Protection Department
Ministry of Labour, Health and Social
Affairs of Georgia
144, Ak. Tsereteli ave., Tbilisi
0159 Georgia

Strasbourg, 14 June 2012

Dear Mr Okropiridze,

The European Committee of Social Rights is currently examining the States' reports on the European Social Charter with respect to the thematic group on "employment, training and equal opportunities" and has instructed me to forward to you the enclosed questions.

The Committee would be grateful if you could reply to these questions before 27 July 2012 in order to allow the information to be taken into account in Conclusions 2012.

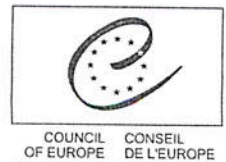
Yours sincerely,

Régis Brillat



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EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX

14 June 2012

Questions addressed to Georgia

Article 1§2 (prohibition of discrimination in employment/ forced labour/ right to earn one's living in an occupation freely entered upon):

- *What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?*
- *Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?*