

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

Committee use only

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**FOURTH REPORT
ON THE NON-ACCEPTED PROVISIONS OF THE REVISED
EUROPEAN SOCIAL CHARTER**

Georgia

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I. OVERVIEW AND EXECUTIVE SUMMARY

1. Overview of the adjusted procedure on the non-accepted provisions of the European Social Charter

The European Social Charter is based on a ratification system, which enables States Parties, subject to certain minimum requirements, to choose the provisions they are willing to accept as binding international legal obligations. This system is provided for by Article A of the revised European Social Charter (Article 20 of the 1961 Charter) and it allows States, at any time after their ratification of the treaty, to notify the Secretary General of their acceptance of additional articles or paragraphs.

It is in the spirit of the Charter for States Parties to progressively increase their commitments, tending towards acceptance of additional and eventually all provisions of the Charter where possible, as opposed to an *à la carte* stagnancy. In that sense, the opening paragraph of Part I of the Charter reads “The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised”, followed by the heading of all rights contemplated by the European Social Charter. Part III, Article A, provides that “each of the Parties undertakes [...] to consider Part I of the Charter as a declaration of the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that part”, followed by the rules on the choices available as regards provisions that Parties can declare to be bound by and which determine the modalities of monitoring under Part IV of the Charter (See CM(2022)196-final).

In addition to provisions in part II, which States parties can opt to accept or not, within certain limits; the Charter also defines a direction of progress, to which all States having ratified the Charter have agreed as a binding commitment. It follows, first, that any backward step, that might result from the adoption of reforms that make it more difficult for a State to accept to be bound by certain provisions is presumptively a violation of the Charter, as it would amount to a defeat of the object and purpose of that State's accession to the Charter. It also follows that States Parties to the Charter have agreed to pursue efforts to take all necessary steps to align their national law, policies and practice with the Charter. This requires that States Parties take into account all the provisions of the Charter in law- and policymaking, in order to facilitate future acceptance of the provisions of the Charter they have not yet accepted.

The procedure for examining reports on the non-accepted provisions is set out in Article 22 of the European Social Charter of 1961 (ETS No. 35). According to this provision, the States Parties must send to the Secretary General, at appropriate intervals set by the Committee of Ministers, reports relating to the provisions of Part II of the Charter which they did not accept at the time of ratification or by subsequent notification. The Committee of Ministers shall determine from time to time those provisions for which such reports will be requested and the form in which the reports should be provided.

In September 2022, the ECSR adopted a decision to implement the procedure on non-accepted provisions in respect of all State Parties to either Charter, in a reinforced manner. The procedure now provides for the submission of written information by States Parties in accordance with a pre-established calendar, and additional bilateral meetings when it is deemed to represent an added value. The written information, submitted by the States Parties shall be made public upon its receipt, and the national and international social partners, non-governmental organisations, national human rights institutions, equality bodies and other stakeholders are given the possibility to provide comments within three months of receiving the written information.

2. The situation of Georgia in the context of the non-accepted provisions of the European Social Charter

Georgia ratified the revised Charter on 22 August 2005 accepting 63 of its 98 paragraphs.

Georgia has not so far accepted the following 35 provisions of the revised Charter: Articles 2§§3, 4 and 6, 3§§1-4, 4§§1 and 5, 8§§1 and 2, 9, 10§§1, 3 and 5, 12§§2 and 4, 13§§1-4, 15§§1 and 2, 16, 17§2, 21, 22, 23, 24, 25, 28, 30 and 31§§1-3.

This is the fourth examination by the ECSR of the provisions of the Charter not yet accepted by Georgia. The first three examinations took place in [2012](#), [2015](#) and [2021](#); the three ECSR reports are available on the [Council of Europe \(CoE\) website](#).

The previous (third) examination of non-accepted provisions (NAP) was carried out in 2021 based on the report submitted by the Georgian authorities. The ECSR considered that there were no major obstacles to the acceptance of Articles 2§3, 2§4, 2§6, 3§1, 3§2, 10§1, 10§3, 10§5, 15§1, 21, 22 and 24. The ECSR was of the opinion that Georgia was in a position to meet in the near future the conditions enabling it to comply with the requirements of Article 3§3, 8§1 and 9 of the Charter and encouraged the authorities to pursue their policy in that direction. The ECSR considered that the legal situation and practice had to be improved to meet the requirements of Articles 12§2, 13§2, 13§3, 16, 23, 28, 31§§1-3 of the Charter. The ECSR asked for more detailed information to reach a firm opinion on the level of conformity of the situation with the requirements of the Charter as regards Articles 3§4, 4§1, 4§5, 12§4, 13§1, 13§4, 15§2, 17§2, 25 and 30.

Based on the procedure on non-accepted provisions, Georgia was invited to submit written information, which was registered in March 2025 and subsequently published on [the CoE website](#).

In October 2025, the Public Defender's Office of Georgia (PDO) and Caritas Georgia submitted third-party comments/alternative report, which were taken into account in this assessment.

The present examination covers the following non-accepted provisions of the revised Charter:

- Article 2§§3, 4 and 6 – The right to just conditions of work
- Article 3§§1-4 – The right to safe and healthy working conditions
- Article 4§§1 and 5 – The right to a fair remuneration
- Article 8§§1 and 2 – The right of employed women to protection of maternity
- Article 9 – The right to vocational guidance
- Article 10§§1, 3 and 5 – The right to vocational training
- Article 12§§2 and 4 – The right to social security
- Article 13§§1-4 – The right to social and medical assistance
- Article 15§§1 and 2 – The right of persons with disabilities to independence, social integration and participation in the life of the community
- Article 16 – The right of the family to social, legal and economic protection
- Article 17§2 – The right of children and young persons to social, legal and economic protection
- Article 21 – The right to information and consultation
- Article 22 – The right to take part in the determination and improvement of the working conditions and working environment
- Article 23 – The right of elderly persons to social protection
- Article 24 – The right to protection in cases of termination of employment
- Article 25 – The right of workers to the protection of their claims in the event of the insolvency of their employer
- Article 28 – The right of workers' representatives to protection in the undertaking and facilities to be accorded to them
- Article 30 – The right to protection against poverty and social exclusion
- Article 31§§1-3 – The right to housing.

As regards Articles 2§4, 3§§1-4, 8§2, 9, 10§§1 and 3, 15§§1 and 2, 21, 22, 24, 28, the ECSR considers that the situation is compatible with the requirements of these provisions of the Charter, which could therefore be accepted immediately.

As regards Articles 2§3, 12§§2 and 4, 13§§1-4, 17§2, 23, 25 and 31§§1-3, the ECSR considers that the current legal framework or the situation in practice is not fully compatible with the requirements of the Charter. The ECSR therefore encourages the Government to take the necessary steps to enable acceptance of these provisions as soon as possible.

As regards the remaining non-accepted provisions (Articles 2§6, 4§§1 and 5, 8§1, 10§5, 16 and 30), the ECSR considers that the information provided did not allow for a full assessment of the situation in law and in practice. Pending receipt of the information required, the ECSR encourages the Government to pursue its efforts and to consider accepting Article 10§5 of the Charter as soon as possible.

The ECSR encourages Georgia to consider accepting the collective complaints procedure.

The ECSR remains at the disposal of the Government for enhanced dialogue on the Charter provisions and the relevant case law,¹ and invites Georgia to undertake further commitments under the Charter as soon as possible so as to consolidate the paramount role of the Charter in achieving social and economic progress and ultimately a greater unity among the Council of Europe member States by guaranteeing and promoting common social human rights standards.

The next examination of the provisions not yet accepted by Georgia is scheduled to take place in 2030.

II. EXAMINATION OF THE NON-ACCEPTED PROVISIONS OF THE REVISED EUROPEAN SOCIAL CHARTER

Article 2§3 – The right to just conditions of work

“With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake: [...] 3. to provide for a minimum of four weeks’ annual holiday with pay;”

Situation in Georgia

The report notes that, under national law, employees are entitled to at least 24 working days of paid annual leave, which may be divided and taken in parts. In case of temporary work incapacity while on leave, the leave days are carried over by the number of days of temporary incapacity. Where granting paid leave during the current year would adversely affect the normal conduct of work, it is permissible to carry it over to the following year with the employee's consent; however, this is permitted for no more than two consecutive years (Art. 35 of the Labour Code). Public servants may carry over unused paid leave to the following calendar year based on an agreement with the head of the public institution. The report also provides an overview of the sanctions imposed by the Labor Inspection Service (“the Labour Inspectorate”) for breach of the regulations on paid annual leave between 2021 and 2024.

Opinion of the ECSR

Article 2§3 guarantees the right to a minimum of four weeks, or 20 working days, of annual holiday with pay. Annual leave may not be replaced by financial compensation and employees must not have the option of giving up their annual leave.² At least two weeks uninterrupted annual holidays must be used during the year the holidays were due. Annual holidays exceeding two weeks may be

¹ In the light of the 2022 Charter system reform, States Parties to the Charter can benefit from enhanced dialogue with the Charter’s monitoring bodies – constructively and in a spirit of cooperation – as a tool to reach a common understanding of problematic issues that may permit to identify possible solutions to such issues which are suitable for and acceptable to the State Party concerned. Enhanced dialogue may also serve as a means of enabling technical assistance. See [CM\(2022\)114 final](#).

² Conclusions I (1969), Ireland.

postponed in particular circumstances defined by domestic law, the nature of which should justify the postponement.³ Allowing all annual leave to be carried over to the following year is not in conformity with Article 2§3.⁴ Workers who suffer from illness or injury during their annual leave are entitled to take the days lost at another time so that they receive the four week annual holiday provided for under this paragraph, possibly under the condition of producing a medical certificate.⁵

In the light of the information provided by the Government, the Committee considers that the current legal framework is not fully compatible with the requirements of the Charter, specifically on the ground that the law allows all annual leave to be carried over to the following year. The ECSR also requires clarification as to whether employees may relinquish annual leave in return for increased remuneration. However, the ECSR encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

Article 2§4 - The right to just conditions of work

“With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake: [...]

4 to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations.”

Situation in Georgia

The report refers to a resolution adopted in 2022 that introduced additional social benefits for employees with work experience in underground mining operations who are nearing retirement age. According to previously reviewed information, Article 31 of the Labour Code provides that employees working under harsh, harmful or hazardous conditions are entitled to additional paid leave of ten calendar days annually (Third Report on the Non-accepted Provisions of the European Social Charter: Georgia, 29 September 2021). Moreover, the daily working time limit for such employees must not exceed eight hours within a 24-hour period.

Opinion of the ECSR

Article 2§4 requires States Parties to eliminate risks in inherently dangerous or unhealthy occupations. In assessing compliance, the ECSR examines firstly what measures have been taken to progressively eliminate the inherent risks in dangerous or unhealthy occupations.⁶ Secondly, it examines what compensatory measures are applied to workers who are exposed to risks that cannot be or have not yet been eliminated or sufficiently reduced, either in spite of the effective application of the preventive measures or because they have not yet been applied.⁷ Where risk elimination is not possible or where risks have not been reduced or eliminated, Article 2§4 mentions two forms of compensation, namely reduced daily working hours and additional paid holidays.⁸ Other approaches to reducing exposure to risks may also ensure conformity with the Charter.⁹ Under no circumstances can financial compensation be considered a relevant and appropriate measure to achieve the aims of Article 2§4.¹⁰ Compensation measures such as one additional day of leave and a maximum weekly working time of 40 hours have been considered inadequate in that they do not offer workers exposed to risks regular and sufficient time to recover.¹¹

³ Conclusions 2007, Statement of interpretation on Article 2§3.

⁴ Conclusions 2018, Russian Federation.

⁵ Conclusions XII-2 (1992), Statement of interpretation on Article 2§3.

⁶ Conclusions XX-3 (2014) Germany.

⁷ Conclusions XX-3 (2014) Germany.

⁸ *Marangopoulos Foundation for Human Rights (MFHR) v. Greece*, Complaint No. 30/2005, decision on the merits of 6 December 2006, §236.

⁹ Conclusions (XVIII-2) 2007, Statement of Interpretation on Article 2§4.

¹⁰ Conclusions XIII-3 (1995), Greece.

¹¹ Conclusions XX-3 (2014), Greece.

In the light of the information provided by the Government, including that concerning Article 3§2 of the Charter, and having regard to the fact that Georgia has accepted Article 11 of the Charter, the ECSR considers that the situation in respect of Article 2§4 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 2§6 - The right to just conditions of work

“With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake: [...]

6 to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship;”

Situation in Georgia

The report refers to information previously submitted to the ECSR and states that that the relevant regulations have remained unchanged. Accordingly, Article 12§1 of the Labour Code requires that an employment contract shall be concluded in all cases where the employment relationship lasts more than one month (Third Report on the Non-accepted Provisions of the European Social Charter: Georgia, 29 September 2021). Such a contract must include the following pieces of information: the parties to the employment contract; the date of commencement of the work and duration of the employment contract; working and rest time; workplace and information on the employee’s various workplaces, if their fixed or principal workplace is not determined; senior position (if any, indicate rank, class, category, etc) and type or description of duties to be performed; remuneration (indicate salary and premium, if any) and rule of its payment; remuneration for overtime work; duration of paid and unpaid leave and the rules for granting such leave; the rules for terminating employer employee relationship; the provisions of the applicable collective agreement if these provisions otherwise regulate the working conditions of employee. The current report also provides an overview of the sanctions applied by the Labour Inspectorate for breach of the relevant

Opinion of the ECSR

Article 2§6 guarantees the right of workers to written information when starting employment. This information can be included in the employment contract or another appropriate document;¹² must be provided to workers as soon as possible and in any event not later than two months after the date of commencement of their employment;¹³ and must cover at least the essential aspects of the employment relationship or contract, as specified in the case law of the ECSR.¹⁴ In particular, the length of the periods of notice in case of termination of the contract or the employment relationship must be specified in the employment contract or some other appropriate document.¹⁵

In the light of the information provided by the Government, the ECSR considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, the ECSR requires clarification as to whether the employment contract or some other document specifies the length of the periods of notice in case of termination of the contract or the employment relationship. In the meantime, it encourages the Government to pursue its efforts and to consider accepting Article 2§6 of the Charter as soon as possible.

Article 3§1 – The right to safe and healthy working conditions

“With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers’ and workers’ organisations:

¹² Conclusions 2015, Republic of Moldova; Conclusions 2018, Ukraine.

¹³ Conclusions 2010, Türkiye.

¹⁴ Conclusions 2003, Bulgaria.

¹⁵ Conclusions 2022, Armenia.

1 to formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment. The primary aim of this policy shall be to improve occupational safety and health and to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, particularly by minimising the causes of hazards inherent in the working environment;”

Situation in Georgia

The report notes that issues related to occupational health and safety have recently been the subject of tripartite concertation within the Commission on Social Partnership, including in relation to the adoption of national strategies and action plans on labour policy, the adoption and implementation of relevant ILO Conventions and EU legislation, and the strengthening of the capacity of the Labour Inspectorate. Occupational safety issues have also been discussed by the Board of Advisors, an advisory council operating under the Chief Labour Inspector and tasked with developing recommendations on the strategy, functioning and activities of the Labour Inspectorate. The report provides a list of the issues discussed within this framework. The ECSR further notes that the Labour Inspectorate became operational in January 2021.

Opinion of the ECSR

Article 3§1 requires States Parties to formulate, implement and periodically review a coherent occupational health and safety policy in consultation with social partners.¹⁶ The main objective of this policy must be to foster and preserve a culture of prevention in the areas of health and safety at national level, as opposed to a purely curative or compensatory approach.¹⁷ To comply with this provision States must ensure the assessment of work-related risks and introduction of a range of preventive measures taking account of the particular risks concerned.¹⁸ The effectiveness of those measures must be monitored, and information and training for employees must be provided. States must ensure the development of an appropriate public monitoring system - often a responsibility for the labour inspectorate - to maintain standards and ensure they apply in the workplace.¹⁹ States must ensure the establishment and further development of programmes in areas such as: training (qualified staff); information (statistical systems and dissemination of knowledge); quality assurance (professional qualifications, certification systems for facilities and equipment); and, where appropriate, research (scientific and technical expertise).²⁰ When devising and implementing national policies and strategies chosen by the relevant authorities, consultation with employers' and workers' organisations must take place at national, sectoral and company level.²¹

In its previous report on non-accepted provisions, the ECSR has noted that Georgia made significant progress in adopting legislative changes, implementing policy reforms to promote safety at work, and establishing an effective enforcement mechanism (Third Report on the Non-accepted Provisions of the European Social Charter: Georgia, 29 September 2021). In the light of the additional information provided by the Government, the ECSR considers that the situation in respect of Article 3§1 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 3§2 – The right to safe and healthy working conditions

“With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations: [...] 2. to issue safety and health regulations;”

¹⁶ Conclusions 2003, Statement of interpretation on Article 3§1; Conclusions 2003, Bulgaria.

¹⁷ Conclusions 2009, Armenia.

¹⁸ Conclusions 2003, Statement of interpretation on Article 3§1; Conclusions 2003, Bulgaria.

¹⁹ Conclusions 2003, Statement of interpretation on Article 3§1; Conclusions 2003, Bulgaria.

²⁰ Conclusions 2003, Statement of interpretation on Article 3§1; Conclusions 2003, Bulgaria.

²¹ Conclusions XIV-2 (1998), Statement of interpretation on Article 3.

Situation in Georgia

The report notes that several specialised regulations on occupational health and safety in the workplace have been developed and adopted since 2022, concerning, among others, the use of protective signs and equipment and the manual lifting of heavy loads.

In its previous report on non-accepted provisions, the ECSR noted the adoption in 2018, of a Law on Occupational Safety. The Labour Inspectorate became operational in January 2021.

Opinion of the ECSR

To ensure the right to safe and healthy working standards under Article 3§2 of the Charter, States Parties are required to issue safety and health regulations providing for preventive and protective measures against workplace risks recognised by the scientific community and laid down in international regulations and standards.²² Domestic law must include framework legislation setting out employers' responsibilities and workers' rights and duties as well as specific regulations. In the event of technical developments rendering their regulations on health and safety at work seemingly out of tune with the new situation, States Parties must prove that the existing regulations were still adequate and, if appropriate, to adapt them continuously to these developments.²³ The risk areas currently addressed by the ECSR are, among others, psychosocial risks;²⁴ specific workplace equipment;²⁵ hazardous agents and substances;²⁶ specific sector risks;²⁷ telework.²⁸ All workers, all workplaces and all sectors of activity must be covered by occupational safety and health regulations, including self-employed persons;²⁹ interim, temporary, seasonal workers and those on fixed-term contracts;³⁰ domestic workers and home workers;³¹ teleworkers. Regulations must be drawn up in consultation with employers' and workers' organisations.³²

In the light of the information provided by the Government, the ECSR considers that the situation in respect of Article 3§2 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 3§3 – The right to safe and healthy working conditions

“With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations: [...]

3 to provide for the enforcement of such regulations by measures of supervision;”

Situation in Georgia

The report details the measures that have been taken and are planned with a view to strengthening the capacity of the Labour Inspectorate to discharge its tasks, including by increasing its budget, increasing the number of labour inspectors, among others in order to achieve more comprehensive territorial coverage, providing (continuing) professional training on occupational health and safety issues, developing internal guidelines, and raising public awareness about the Labour Inspectorate and occupational health and safety regulations.

²² *Marangopoulos Foundation for Human Rights (MFHR) v. Greece*, Complaint No. 30/2005, decision on the merits of 6 December 2006, §224.

²³ Conclusions II (1971), Statement of Interpretation on Article 3§2.

²⁴ Conclusions 2013, Statement of Interpretation on Article 3§2.

²⁵ Conclusions XIV-2 (1998), Statement of Interpretation on Article 3§2.

²⁶ Conclusions XIV-2 (1998), Statement of Interpretation on Article 3§2.

²⁷ Conclusions XIV-2 (1998), Statement of Interpretation on Article 3§2.

²⁸ Conclusions 2021, Statement of interpretation on Article 3§2.

²⁹ Conclusions 2005, Estonia.

³⁰ General question in the General Introduction 2012: Article 1§2: existence of forced labour in the domestic environment; see also Conclusions 2009, Andorra.

³¹ Conclusions XIV-2 (1998), Belgium; Conclusions XIII-1 (1993), Statement of Interpretation on Article 3§2.

³² Conclusions 2017, Latvia.

The PDO refers in its comments to the results of monitoring carried out by the Labour Inspectorate suggesting that the implementation of regulations on occupational health and safety is inadequate.

Opinion of the ECSR

Article 3§3 of the Charter aims to guarantee the effective implementation of the right to safety and health at work. This implies monitoring the development of the number of injuries at work and occupational diseases, checking the application of regulations and consulting employers' and workers' organisations on this subject.³³ The ECSR monitors the total number of work-related accidents in all sectors of activity and in respect of all types of workers, including temporary workers and immigrant workers.³⁴

The enforcement of safety and health regulations by measures of supervision is carried out in light of Part III Article A§4 of the Charter, whereby States Parties shall maintain a system of labour inspection appropriate to national conditions.³⁵ Monitoring of compliance with laws and regulations on occupational safety and health, including coercive measures is a prerequisite for the right guaranteed by Article 3 to be effective.³⁶ Article 3§3 does not prescribe any standard model for the organisation of labour inspection as Article A§4 of Part III refers to a system "appropriate to national conditions".³⁷ States Parties must allocate them enough resources to enable them to conduct a minimum number of regular inspections to ensure that the largest possible number of workers benefit from the right enshrined in Article 3 and that the risk of accidents is reduced to a minimum.³⁸ The system of penalties in the event of breaches of the regulations must be efficient and dissuasive. The enforcement of the regulations in law and in practice must be done in consultation with employers' and workers' organisations with regard to labour inspectorate activities other than participation in company inspections which is included in the "right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking" guaranteed by Article 22 of the Charter.³⁹

In the light of the information provided by the Government, the ECSR considers that the situation in respect of Article 3§3 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 3§4 – The right to safe and healthy working conditions

"With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations: [...]

4 to promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions."

Situation in Georgia

The report notes that the Law on Occupational Safety requires employers to appoint an occupational safety specialist responsible for organising and managing labour safety in all workplaces. The qualification requirements for occupational safety specialists, the list of minimum modules of the accredited programme, and the rules and conditions for its implementation were established by

³³ Marangopoulos Foundation for Human Rights (MFHR) v. Greece, Complaint No 30/2005, decision on the merits of 6 December 2006, §231; Conclusions XIV-2 (1998), Statement of Interpretation on Article 3§3 (i.e. on Article 3§2 of the 1961 Charter).

³⁴ Conclusions 2009, Italy.

³⁵ Conclusions 2013, Statement of Interpretation on Article 3§3 (i.e. on Article 3§2 of the 1961 Charter),

³⁶ Marangopoulos Foundation for Human Rights (MFHR) v. Greece, Complaint No. 30/2005, decision on the merits of 6 December 2006, §228.

³⁷ Conclusions 2013, Statement of Interpretation on Article 3§3 (i.e. on Article 3§2 of the 1961 Charter).

³⁸ Marangopoulos Foundation for Human Rights (MFHR) v. Greece, Complaint No. 30/2005, decision on the merits of 6 December 2006, §229, citing Conclusions XIV-2 (1998), Belgium.

³⁹ Conclusions 2005, Norway.

Order No. 01-25/N of the Minister of Internally Displaced Persons from the Occupied Territories of Georgia of 31 October 2018. Between 2021 and 2024, the Labour Inspectorate identified a total of 2,237 violations of the Law on Occupational Safety due to the lack of a labour safety specialist, sanctioned with warnings.

Opinion of the ECSR

Article 3§4 of the Charter requires States Parties to promote, in consultation with employers' and workers' organisations, the progressive development of occupational health services that are accessible to all workers, in all branches of economic activity and for all enterprises.⁴⁰ If those services are not established within all enterprises, public authorities must develop a strategy, in consultation with employers' and workers' organisations, for that purpose.⁴¹

Occupational health services, which are specialised in occupational medicine, have preventive and advisory functions, beyond mere safety at work.⁴² They contribute to conducting workplace-related risk assessment and prevention, worker health supervision, training in matters of occupational safety and health, as well as to assessing working conditions impact on worker health⁴³. Occupational health services must be trained, endowed and staffed to identify, measure and prevent work-related stress, aggression and violence.⁴⁴

In the light of the information provided by the Government, the ECSR considers that the situation in respect of Article 3§4 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 4§1 – The right to a fair remuneration

“With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

1 to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living;”

Situation in Georgia

The report notes that work is underway on the implementation of a Decent Work Country Programme in partnership with the ILO, which includes consultation with social partners on the minimum wage, among other issues. The report also refers to a pilot project launched on 1 January 2023, which established a minimum wage for staff in the public healthcare system.

The PDO emphasizes that the lack of fair remuneration is a structural problem in the Georgian labour market. Caritas Georgia notes that the monthly minimum wage was set by presidential decree in 1999 at GEL 20 or €7 for the private sector and has not been revised in subsequent labour legislation.

Opinion of the ECSR

Article 4§1 guarantees the right to a fair remuneration such as to ensure a decent standard of living. It applies to all workers, including to civil servants and contractual staff in the state,⁴⁵ regional and local public sectors, to branches or jobs not covered by collective agreement, to atypical jobs (assisted employment),⁴⁶ and to special regimes or statuses (e.g. migrant workers).⁴⁷ The concept of a “decent standard of living” goes beyond merely material basic necessities such as food, clothing

⁴⁰ Conclusions 2003, Bulgaria.

⁴¹ Conclusions 2003, Bulgaria.

⁴² Conclusions 2009, Andorra.

⁴³ Conclusions 2003, Bulgaria.

⁴⁴ Conclusions 2013, Statement of Interpretation on Article 3.

⁴⁵ Conclusions XX-3 (2014), Greece.

⁴⁶ Conclusions 2014, France.

⁴⁷ Conclusions 2014, Andorra.

and housing, and includes resources necessary to participate in cultural, educational and social activities.⁴⁸ “Remuneration” relates to the compensation – either monetary or in kind – paid by an employer to a worker for time worked or work done. It covers, where applicable, special bonuses and gratuities. On the other hand, social transfers (e.g. social security allowances or benefits) are taken into account only when they have a direct link to the wage. To be considered fair within the meaning of Article 4§1, the minimum wage paid in the labour market must not fall below 60% of the net average national wage.⁴⁹ The assessment is based on net amounts, i.e. after deduction of taxes and social security contributions.⁵⁰ Where the net minimum wage is between 50% and 60% of the net average wage, it is for the State Party to establish that this wage permits a decent standard of living.⁵¹

In the light of the information provided by the Government, the ECSR considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, it requires clarification of the legal situation having regard to the requirements set out in its case-law, as outlined above. In the meantime, it encourages the Government to pursue its efforts and to consider accepting Article 4§1 of the Charter as soon as possible.

Article 4§5 – The right to a fair remuneration

“With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake: [...]

5 to permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards. The exercise of these rights shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions.”

Situation in Georgia

The report notes that, according to the law, the total amount of a one-time deduction from an employee's wages shall not exceed 50% thereof. According to the National Statistics Office, the average salary in Georgia in 2023 was GEL 1,766, the median salary was 1,238 GEL, and the subsistence minimum for a working-age man was GEL 250 on average. Therefore, in the case of a 50% deduction from wages, the employee would still retain 3.5 times the subsistence minimum in the case of the average salary, and 2.4 times the subsistence minimum in the case of the median salary. The report also explains that the subsistence minimum is calculated on the basis of minimum food basket indicators as defined in Decree no. 111/n of 8 May 2003 of the Minister of Labour, Health and Social Affairs.

Opinion of the ECSR

Article 4§5 guarantees workers the right to their wage being subject to deductions only under specific circumstances. These circumstances need to be well defined in a legal instrument, such as regulations, collective agreements or arbitration awards.⁵² Therefore, workers should not be allowed to waive their right to limitation of deductions from their wage, and the way in which such deductions are determined should not be left at the disposal of the sole parties to the employment contract.⁵³ Such deductions must be subject to reasonable limits and should not per se result in depriving workers and their dependents of their means of subsistence.⁵⁴

⁴⁸ Conclusions 2010, Statement of Interpretation on Article 4§1.

⁴⁹ Conclusions XIV-2 (1998), Statement of Interpretation on Article 4§1.

⁵⁰ Conclusions XIV-2 (1998), Statement of Interpretation on Article 4§1.

⁵¹ Conclusions XXI-3 (2019), Denmark.

⁵² Conclusions V (1977), Statement of Interpretation on Article 4§5.

⁵³ Conclusions 2005, Norway; Conclusions 2018, The Netherlands.

⁵⁴ Conclusions 2014, Estonia.

States Parties are required to provide the following information in their reports to enable an assessment of national situations: a description of the legal framework regarding wage deductions, including the information on the amount of protected (unattachable) wage; information on the national subsistence level, how it is calculated, and how the calculation of that minimum subsistence level ensures that workers can provide for the subsistence needs of themselves and their dependents; information establishing that the disposable income of a worker earning the minimum wage after all deductions (including for child maintenance) is enough to guarantee their means of subsistence (i.e., to ensure that workers can provide for the subsistence needs of themselves and their dependents); a description of safeguards that prevent workers from waiving their right to the restriction on deductions from wage.⁵⁵

In the light of the information provided by the Government, the ECSR considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, it is not clear whether the disposable income of a worker earning the minimum wage after all deductions (including for child maintenance) is enough to guarantee their means of subsistence (i.e., to ensure that workers can provide for the subsistence needs of themselves and their dependents). Moreover, it is not clear if sufficient safeguards are in place to prevent workers from waiving their right to the restriction on deductions from wage. In the meantime, it encourages the Government to pursue its efforts and to consider accepting Article 4§5 of the Charter as soon as possible.

Article 8§1 – The right of employed women to protection of maternity

“With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

1 to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;”

Situation in Georgia

According to previously reviewed information, public servants are entitled to a basic level of maternity and parental leave of 730 calendar days, of which 183 days are paid annually (Third Report on the Non-accepted Provisions of the European Social Charter: Georgia, 29 September 2021). Compensation is paid from the budget of the public agency concerned and is calculated on the basis of the salary rate assigned to the civil servant’s post and the applicable grade increase. Employees are entitled to a basic level of paid maternity leave of 126 calendar days. The present report notes that, as a result of legislative amendments adopted in 2023, the one-off cash allowance from the state budget provided to private sector employees for a period of paid maternity leave and paid parental leave was increased from GEL 1,000 to GEL 2,000.

Opinion of the ECSR

Article 8§1 recognises the right of employed women to maternity leave and maternity benefits. The right to maternity leave of at least 14 weeks must be guaranteed by law⁵⁶ and apply for all categories of employees.⁵⁷ National legislation must allow women the right to use all or part of their recognised entitlement to cease work for a period of at least 14 weeks, allowing them freedom of choice by means of a scheme of benefits set at an adequate level. At the same time, States Parties must ensure that legal safeguards exist to avoid any pressure from employers on women to shorten their maternity leave.⁵⁸

⁵⁵ Conclusions 2022, Statement of interpretation on Article 4§5.

⁵⁶ Conclusions III (1973), Statement of Interpretation on Article 8§1, Conclusions XIX-4 (2011), Statement of Interpretation on Article 8§1, Conclusions 2015, Statement of Interpretation on Article 8§1.

⁵⁷ Conclusions XV-2 (2001), Observation on Article 8§1.

⁵⁸ Conclusions XXI-4 (2019), United Kingdom.

States Parties must ensure that employed women are adequately compensated for their loss of earnings during the period of maternity leave.⁵⁹ Such compensation may be either a paid leave (continued payment of wages by the employer), social security maternity benefit, any alternative benefit from public funds or a combination thereof.⁶⁰ In any event, the level of such payments must be adequate, meaning that it should not be less than 70% of the previous wage.⁶¹ Moreover, the minimum rate of compensation must not fall below the poverty threshold defined as 50% of median equivalised income, calculated on the basis of the Eurostat at risk of poverty threshold value.⁶²

In the light of the information provided by the Government, the ECSR considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, it requires information showing that the minimum amount of the maternity benefit is adequate, having regard to the requirements set out in its case-law, as outlined above. In the meantime, it encourages the Government to pursue its efforts and to consider accepting Article 8§1 of the Charter as soon as possible.

Article 8§2 – The right of employed women to protection of maternity

“With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake: [...]

2 to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;”

Situation in Georgia

The report notes that the protection against dismissal during pregnancy or maternity leave is guaranteed under Articles 46§2(g) and 47§5(c) of the Labour Code. According to Article 46§1, a suspension of the employment relationship entails the temporary non-performance of work under an employment agreement and does not result in the termination of the employment relationship. Under Article 46§2(g), an employment relationship may be suspended on grounds of maternity leave, parental leave, newborn adoption leave or additional parental leave. Pursuant to Article 47§5(c), termination of the employment relationship is inadmissible during the period referred to in Article 46§2(g). The period of inadmissibility begins when the female employee notifies her employer of her pregnancy.

Exceptions to the prohibition on termination are set out in the Labour Code and include: the expiry of an employment agreement (Article 46§1(b)); the completion of the work under an employment agreement (Article 46§1(c)); voluntary resignation by the employee on the basis of a written application (Article 46§1(d)); termination by written agreement of the parties (Article 46§1(e)); a gross violation by the employee of their obligations under an individual employment agreement or a collective agreement and/or under internal labour regulations (Article 46§1(g)); a violation of such obligations where disciplinary measures have already been taken during the previous year (Article 46§1(h)); the entry into force of a court judgment or other decision precluding the performance of the work (Article 46§1(j)); and the death of the employer as a natural person or the death of the employee (Article 46§1(l)).

Opinion of the ECSR

Article 8§2 requires that it be unlawful to dismiss an employee between the time they notify the employer of their pregnancy and the end of their maternity leave.⁶³ Article 8§2 applies equally to

⁵⁹ Conclusions 2015, Statement of Interpretation on Article 8§1.

⁶⁰ Conclusions 2015, Statement of Interpretation on Article 8§1.

⁶¹ Conclusions 2015, Statement of Interpretation on Article 8§1.

⁶² Conclusions XVII-2 (2005), Latvia.

⁶³ Conclusions XIII-4 (1996), Statement of Interpretation on Article 8§2.

women on fixed term and open-ended contracts.⁶⁴ However, the dismissal of a pregnant woman is not contrary to this provision in the case of serious misconduct, the cessation of the firm's activities or the expiry of a fixed-term contract.⁶⁵ In cases of illegal dismissal, domestic law legislation must provide for adequate and effective remedies.⁶⁶ In the case of dismissal contrary to this provision, the reinstatement of the women should be the rule.⁶⁷ Exceptionally, if this is impossible (e.g., where the enterprise closes down) or the woman concerned does not wish it, adequate compensation must be ensured.⁶⁸ Compensation should be sufficient to deter the employer and compensate the employee.⁶⁹

In the light of the information provided by the Government, the ECSR considers that the situation in respect of Article 8§2 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 9 – The right to vocational guidance

“With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults.”

Situation in Georgia

The report notes that a Strategy for professional orientation, counselling and career guidance in formal education (2024-2030) was approved by the Order 139/N of the Ministry of Education, Science and Youth of 27 August 2024, further to the Law on Vocational Education (2018). The strategy covers all levels of education and ensures equal access to career management services for all individuals, enabling them to make informed decisions and realize their opportunities in a rapidly changing social and economic environment. Furthermore, the implementation of the “Work Skills Development Program”, which provides school students with opportunities to explore various professions, test their skills and make well-informed career decisions, continued. The report estimates that more than 27,300 school students have participated in the programme since 2017.

The report notes further that, in 2021, the Ministry of Education, Science and Youth and the Georgian Chamber of Commerce and Industry founded a Skills Agency, which provides various support services to vocational educational institutions, including by strengthening the capacity of career guidance specialists. A survey was carried out to assess the needs of career guidance specialists, involving career guidance managers from 28 public and 20 private vocational education institutions. The survey identified areas requiring additional interventions, to be implemented during 2025. At present, all vocational education institutions have career guidance specialists. The Skills Agency also launched the project "Quality Assurance for Career Guidance Services through Continuous Professional Development (CPD) of Career Guidance Specialists in the TVET Ecosystem of Georgia." The project aims to establish quality assurance mechanisms for career guidance services, develop a continuous professional development model for relevant specialists, and create an in-service training program for them.

The report provides information about a programme currently being implemented by the Ministry of Education, Science and Youth, which aims to promote social inclusion and independent living for students with special educational needs (SEN) through education and development. Specifically, the programme offers vocational activities suited to the interests and capabilities of students with SEN

⁶⁴ Conclusions XIII-4 (1996), Austria.

⁶⁵ Conclusions XXI-4 (2019), Spain.

⁶⁶ Conclusions XXI-4 (2019), Spain.

⁶⁷ Conclusions 2005, Cyprus; Conclusions I (1969), Statement of Interpretation on Article 8.

⁶⁸ Conclusions XXI-4 (2019), Spain.

⁶⁹ Conclusions 2005, Cyprus.

and geared towards the development of pre-professional skills. It also provides a range of adapted strategies and programmes through non-formal education, in which targeted programmes, projects and activities are implemented to ensure socialisation with peers. The report provides additional information on how access to vocational training is ensured for persons with disabilities and students with SEN, including through the adaptation of existing selection processes to different needs and the provision of specialised orientation services to support informed career decisions and improve the transition to vocational education.

Opinion of the ECSR

Article 9 requires States Parties to set up and operate a service that helps all persons, free of charge, to solve their problems relating to vocational guidance.⁷⁰ Vocational guidance is the service which assists all persons to solve problems related to occupational choice and with due regard to the individual's characteristics and their relation to occupational opportunity.⁷¹ The ECSR recalls that the right to vocational guidance must be guaranteed within the school system (information on training and access to training)⁷² and within the labour market (information on vocational training and retraining, career planning, etc.).⁷³ The indicators taken into consideration when assessing vocational guidance are: objectives, organisation, operation, overall expenditure, number of staff and number of beneficiaries.⁷⁴ Vocational guidance must be provided free of charge, by a sufficient number of qualified staff, to a significant number of persons and with an adequate budget.⁷⁵

Where States Parties have also accepted Article 15 of the Charter, vocational guidance of persons with disabilities is dealt with under that provision.⁷⁶ A lack of information on the expenditure and staffing related to vocational guidance services offered to persons with disabilities leads to a finding of non-conformity under Article 9.⁷⁷ Equal treatment with respect to vocational guidance must be guaranteed to everyone, including nationals of other Parties lawfully resident or regularly working on the territory of the Party concerned.⁷⁸

In the light of the information provided by the Government, the ECSR considers that the situation in respect of Article 9 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 10§1 – The right to vocational training

“With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake: [...]

1 to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;”

Situation in Georgia

The report notes that everyone has the right to pursue vocational education upon completing the basic level of general education (i.e. the 10th grade) and fulfilling the admission prerequisites set by the specific programme. This right applies to nationals, foreign citizens with the status of compatriot living abroad, asylum seekers, refugees, stateless persons, and persons who grew up in state care. As regards priority programmes, funding is granted to vocational education and training (VET) providers, including educational institutions, private companies, and NGOs, under the coordination

⁷⁰ Conclusions I (1969), Statement of interpretation on Article 9.

⁷¹ Conclusions IV (1975), Statement of interpretation on Article 9.

⁷² Conclusions 2012, Montenegro.

⁷³ Conclusions 2012, Montenegro.

⁷⁴ Conclusions 2012, Montenegro.

⁷⁵ Conclusions 2020, Lithuania.

⁷⁶ Conclusions 2003, France.

⁷⁷ Conclusions 2020, Azerbaijan.

⁷⁸ Conclusions 2020, 2012, Montenegro.

of the Skills Agency. In addition, the State Employment Support Agency (SESA) provides VET funding for individuals registered on the jobseekers' portal.

In response to the emerging needs of the labour market, a wide range of VET programmes is available, including dual programmes, in which more than 50% of learning outcomes are achieved in a real working environment and adequate remuneration is provided. Since 2020, integrated VET programmes have also been implemented to facilitate the transition of school students to higher education or employment in their chosen profession. Since 2024, integrated VET programmes have further been introduced in general education institutions, upon completion of which students receive both a VET diploma and a full general education certificate. In accordance with the Law on Vocational Education (2018), the recognition of learning outcomes achieved within formal education for vocational education purposes, as well as the recognition of learning outcomes acquired through non-formal education, is regulated.

The SESA ensures the implementation of Government active labour market policies through a network of offices covering the national territory and has recently been strengthened through additional personnel and budgetary allocations. The report provides information on a State-funded VET programme launched in 2022 and implemented by SESA, which promotes employment in public works for socially vulnerable economically inactive persons. It also refers to the launch in 2023 of so-called "mobile groups" at regional level, tasked with facilitating access for jobseekers living in rural areas to employment promotion programmes and services.

The PDO refers to several challenges faced by persons with disabilities in accessing vocational training facilities in Georgia, including inaccessible educational infrastructure, inaccessible educational materials and web platforms, and the lack of support services. The PDO notes that in 2022 only 162 applicants with disabilities continued their studies in higher education, while this number decreased to 39 in 2023. Caritas Georgia notes that the access of foreigners residing lawfully in Georgia to state-financed training and employment support mechanisms is currently restricted and refers to examples from its charitable work to support its assertions.

Opinion of the ECSR

Article 10§1 guarantees the right to vocational training, which covers initial training (i.e., general and vocational secondary education), university and non-university higher education, and vocational training organised by other public or private actors, including continuing training, which is also dealt with under Article 10§3.⁷⁹ Therefore, States Parties must ensure general and vocational secondary education, university and non-university higher education, apprenticeships and continuing education;⁸⁰ build bridges between secondary vocational education and university and non-university higher education;⁸¹ introduce mechanisms for the recognition/validation of knowledge and experience acquired in the context of training/working activity in order to achieve a qualification or to gain access to general, technical and university higher education;⁸² and take measures to make general secondary education and general higher education qualifications relevant from the perspective of professional integration in the job market.⁸³ The main indicators of compliance with Article 10§1 include the existence of the education and training system; the system's total capacity (in particular, the ratio between training places and candidates); the total spending on education and training as a GDP percentage; the completion rate of young people enrolled in vocational training courses and of students enrolled in higher education; the employment rate of people who hold a higher-education qualification and the waiting-time for these people to get a first qualified job.⁸⁴

⁷⁹ Conclusions 2003, France.

⁸⁰ Conclusions 2007, Ireland.

⁸¹ Conclusions 2016, Russian Federation.

⁸² Conclusions 2016, Russian Federation.

⁸³ Conclusions 2016, Russian Federation.

⁸⁴ Conclusions 2012, Cyprus.

The right to vocational training must be guaranteed to everyone.⁸⁵ Where States Parties have also accepted Article 15 of the Charter, vocational training of persons with disabilities is dealt with under that provision.⁸⁶ Equal treatment with respect to vocational training must be guaranteed to everyone, including nationals of other Parties lawfully resident or regularly working on the territory of the Party concerned.⁸⁷

In the light of the information provided by the Government, the ECSR considers that the situation in respect of Article 10§1 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 10§3 – The right to vocational training

“With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake: [...]

3 to provide or promote, as necessary:

a adequate and readily available training facilities for adult workers;

b special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment;”

Situation in Georgia

The report notes that short-term vocational training and retraining programmes have become part of formal education, with more than 29,000 individual enrolments since 2019. The rules and conditions for implementing distance learning in vocational education were approved in 2024 with a view to improving access. As a result, several programmes in the ICT sector have been granted the right to deliver vocational training and retraining remotely. The Law on Employment Support provides for the professional training and retraining of job seekers, with 10,024 individuals having taken part in active measures between 2021 and 2024. According to previous reports, employers have a legal obligation to support the professional development of employees. Where an employer authorises an employee to participate in vocational retraining, advanced training or any other training course, the period concerned is considered working time and is remunerated accordingly.

Opinion of the ECSR

Article 10§3 guarantees the right to continuing vocational training, which refers to employed and unemployed persons, including young unemployed people,⁸⁸ as well as self-employed persons.⁸⁹ Article 10§3 takes into consideration only those activation measures for unemployed people that strictly concern training, while Article 10§1 deals with general activation measures for unemployed people.⁹⁰ For both employed and unemployed persons, the main indicators of compliance with this provision are the types of continuing vocational training and education available on the labour market, training measures for certain groups (such as women), the overall participation rate of persons in training and the gender balance, the percentage of employees participating in continuing vocational training, and the total expenditure.⁹¹

As regards employed persons, Article 10§3 requires States Parties to provide facilities for training and retraining of adult workers, in particular the arrangements for retraining redundant workers and workers affected by economic and technological change, in order to prevent the deskilling of still active workers at risk of becoming unemployed as a consequence of technological and/or economic development.⁹² Strategies and measures (legal, regulatory and administrative frameworks, financing

⁸⁵ Conclusions I (1969), Statement of Interpretation on Article 10§1.

⁸⁶ Conclusions 2003, Slovenia.

⁸⁷ Conclusions 2003, Slovenia.

⁸⁸ Conclusions 2012, Serbia.

⁸⁹ Conclusions 2012, Serbia.

⁹⁰ Conclusions 2012, Serbia.

⁹¹ Conclusions 2012, Serbia.

⁹² Conclusions XIX-1 (2008), Spain

and practical measures) must be put in place for training and retraining across the entire range of skills (especially digital culture, new technologies, human-machine interaction and new working environments, the use and operation of new tools and machines) which workers need in order to be competitive in emerging labour markets.⁹³ As regards unemployed people, the activation rate – i.e. the ratio between the annual average number of previously unemployed participants in active measures divided by the number of registered unemployed persons and participants in active measures - is used to assess the impact of the States Parties' policies.⁹⁴ Other aspects taken into account include the existence of legislation on individual leave for training and its characteristics, in particular the length, the remuneration, and the initiative to take it; and the sharing of the burden of the cost of vocational training among public bodies (state or other collective bodies), unemployment insurance systems, enterprises, and households as regards continuing training.⁹⁵

In the light of the information provided by the Government, the ECSR considers that the situation in respect of Article 10§3 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 10§5 – The right to vocational training

“With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake: [...]

5. to encourage the full utilisation of the facilities provided by appropriate measures such as:
a reducing or abolishing any fees or charges;
b granting financial assistance in appropriate cases;
c including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;
d ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.”

Situation in Georgia

The report refers to two sets of regulations adopted in 2022, which respectively set out the roles and responsibilities of the various stakeholders involved in work-based learning and the conditions for granting a company the status of a training enterprise.

Opinion of the ECSR

Article 10§5 provides for complementary measures which are fundamental to make access to vocational training effective in practice. States Parties must ensure that vocational training is free of charge or that fees are progressively reduced.⁹⁶ The granting of financial assistance in appropriate cases refers to persons who would not otherwise be in a position to undergo apprenticeship or training.⁹⁷ It entails, in addition to free or low-cost training, the provision of assistance in the form of grants, allowances or other arrangements where necessary.⁹⁸ States Parties must provide financial assistance either universally, or subject to a means-test, or awarded on the basis of the merit.⁹⁹ The number of beneficiaries and the amount of financial assistance are also taken into consideration for assessing compliance with this provision.¹⁰⁰ The time spent on supplementary training at the request of the employer must be included in the normal working-hours.¹⁰¹ States Parties must evaluate their

⁹³ Conclusions XXII-1 (2021), Luxembourg

⁹⁴ Conclusions 2012, Serbia.

⁹⁵ Conclusions 2012, Serbia.

⁹⁶ Conclusions 2020, Malta.

⁹⁷ Conclusions XIII-1 (1993), Türkiye.

⁹⁸ Conclusions XIII-1 (1993), Türkiye.

⁹⁹ Conclusions XIX-1 (2008), Türkiye.

¹⁰⁰ Conclusions 2016, Italy; Conclusions XIV-2 (1998), Ireland.

¹⁰¹ Conclusions 2020, Türkiye.

vocational training programmes for young workers, including the apprenticeships.¹⁰² In particular, the participation of employers' and workers' organisations is required in the supervision process.¹⁰³

According to the Appendix to the Charter, equality of treatment shall be provided to nationals of other States Parties lawfully resident or regularly working on the territory of the State Party concerned.¹⁰⁴ This implies that no length of residence is required from students and trainees admitted to reside in any capacity other than being a student or a trainee, or having authority to reside by reason of their ties with persons lawfully residing, on the territory of the Party concerned before starting training.¹⁰⁵

In the light of the information provided by the Government, the ECSR considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, it requires information regarding the types of financial assistance available as well as scholarships and loans for vocational education, including higher vocational education. The ECSR also requires clarification as to whether foreign nationals, lawfully resident, have equal access to financial assistance for vocational training. In the meantime, it encourages the Government to pursue its efforts and to consider accepting Article 10§5 of the Charter as soon as possible.

Article 12§2 – The right to social security

“With a view to ensuring the effective exercise of the right to social security, the Parties undertake: [...] 2 to maintain the social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security;”

Situation in Georgia

The report notes the social security system play a crucial role in supporting vulnerable families, promoting job creation, and combatting unemployment and social exclusion, and that a review of the system is currently underway with a view to ensuring that it meets its objectives.

Opinion of the ECSR

Article 12§2 obliges States Parties to maintain a social security system which is at least equal to that required for the purposes of ratification of the European Code of Social Security. The European Code of Social Security requires acceptance of a higher number of parts than ILO Convention No. 102; six of Parts II to X must be accepted; certain branches count for more than one: Part II (medical care) counts as two parts, and Part V (old age) counts as three. Each branch sets minimum levels of personal coverage and minimum levels of benefits.¹⁰⁶

Where a State has ratified the European Code of Social Security, the conclusion under this paragraph is based on the Committee of Minister's Resolutions under the Code (which are in turn based on the assessment of the ILO Committee of Experts and the Governmental Committee of the European Social Charter and the European Code of Social Security).¹⁰⁷ Failure to comply with the European Code of Social Security will lead to a conclusion of non-conformity with Article 12§2, where the State is not in compliance with at least the minimum parts for ratification.¹⁰⁸

When the State concerned has not ratified the European Code of Social Security, the ECSR will assess whether its social security is in conformity with Article 12§2. In order to examine whether the social security system stands at a level at least equal to that necessary for the ratification of the

¹⁰² Conclusions 2020, Lithuania.

¹⁰³ Conclusions XIV-2 (1998), United Kingdom.

¹⁰⁴ Conclusions XVI-2 (2004), United Kingdom.

¹⁰⁵ Conclusions XVI-2 (2004), United Kingdom.

¹⁰⁶ Conclusions 2013, Serbia.

¹⁰⁷ Conclusions 2006, Italy.

¹⁰⁸ Conclusions 2006, Italy.

Code, the ECSR has to be provided with thorough information regarding the branches (risks) covered, the personal scope and the level of benefits offered.¹⁰⁹ Findings under Article 12§1 are also taken into account.¹¹⁰

The ECSR notes that Georgia has not ratified either the European Code of Social Security, or the ILO Convention No 102. The ECSR recalls that non-ratification of the Code is not in itself an obstacle to the acceptance of Article 12§2 of the Charter. However, the ECSR also notes that it has recently found the situation in Georgia not to be in conformity with Article 12§1 of the Charter on the ground that the right to social security was not guaranteed to all workers and their dependents (Conclusions 2021). Moreover, the present report does not provide sufficient information regarding the functioning of the social security system at a satisfactory level. The ECSR therefore considers that the current legal framework or the situation in practice is not fully compatible with the requirements of the Charter. However, the ECSR encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

Article 12§4 – The right to social security

“With a view to ensuring the effective exercise of the right to social security, the Parties undertake: [...]

4 to take steps, by the conclusion of appropriate bilateral and multilateral agreements or by other means, and subject to the conditions laid down in such agreements, in order to ensure: a equal treatment with their own nationals of the nationals of other Parties in respect of social security rights, including the retention of benefits arising out of social security legislation, whatever movements the persons protected may undertake between the territories of the Parties;

b the granting, maintenance and resumption of social security rights by such means as the accumulation of insurance or employment periods completed under the legislation of each of the Parties.”

Situation in Georgia

The report refers to the Law on the Legal Status of Foreigners and Stateless Persons, which provides that a foreigner permanently residing in Georgia has the same right to assistance, pension and other social benefits as a Georgian citizen. The programmes implemented in the field of social protection also apply to stateless persons, asylum seekers, persons with refugee or humanitarian status, or persons with neutral travel documents. The report also notes that social security benefits are not conditional on insurance or length of working periods. Negotiations are ongoing with a view to concluding social security agreements with several countries, including the Czech Republic or Lithuania.

Opinion of the ECSR

Article 12§4 applies to nationals of other States Parties who no longer reside on the territory concerned but who did reside or worked regularly there in the past and acquired social security rights.¹¹¹ The scope of Article 12§4 extends to refugees and stateless persons, as well as to self-employed workers.¹¹² In order to ensure the right to social security of persons moving between States, the right to equal treatment and the right to retention and maintenance of accrued rights must be guaranteed with respect to all existing branches of the social security system.

National legislation cannot reserve a social security benefit to nationals only, or impose extra or more restrictive conditions on foreigners.¹¹³ Nor may national legislation stipulate eligibility criteria for social security benefits which, although they apply without reference to nationality, are harder for

¹⁰⁹ Conclusions 2013, Serbia,

¹¹⁰ See, e.g., Conclusions 2017, Andorra.

¹¹¹ ETS 35 – Social Charter (Appendix), 18.X.1961.

¹¹² Conclusions XIV-1 (1998), Türkiye.

¹¹³ Conclusions XIII-4 (1996), Statement of Interpretation on Article 12§4.

foreigners to comply with than nationals, and therefore affect them to a greater degree.¹¹⁴ However, legislation may require the completion of a period of residence for non-contributory benefits.¹¹⁵ In this respect, Article 12§4 requires that any such prescribed period of residence is reasonable. A period of five years is considered to be too long.¹¹⁶

There should be no disadvantage for a person who changes their country of employment where they have not completed the period of employment or insurance necessary under national legislation to confer entitlement and determine the amount of certain benefits. This requires, where necessary, the aggregation of employment or insurance periods completed in another territory and, in the case of long-term benefits, a pro rata approach to the conferral of entitlement, the calculation and payment of benefit.¹¹⁷

In the light of the information provided by the Government, the ECSR considers that the current legal framework or the situation in practice is not fully compatible with the requirements of the Charter. However, the ECSR encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

Article 13§1 – Right to social and medical assistance

“With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

1 to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition.”

Situation in Georgia

Since 2013, the state's universal health care programme has been enacted, creating a protection mechanism against disastrous health expenses for every citizen.

The beneficiaries of the program are persons holding a document proving Georgian citizenship, a neutral identity card, a neutral travel document, or individuals legally residing in the territories of the Autonomous Republic of Abkhazia and the Tskhinvali region (the former South Ossetian Autonomous Oblast), as well as stateless persons and persons seeking asylum in Georgia, persons with refugee or humanitarian status.

The beneficiary of the programme has the right to choose a health care facility throughout Georgia. In addition to universal health care coverage, various targeted programmes (public health and disease-specific) are applicable.

In order to increase the effectiveness of the universal healthcare program, a new mechanism for reimbursement of services, the Diagnosis-Related Group (DRG) system, was introduced in November 2022. As a result, by the end of 2024, patient co-payment for medical services decreased from an average of 27% to 12%.

To ensure access to high-quality medicines, a system of reference prices for medicines was introduced in 2023. As of today, prices have been set for 7,091 medicines of 297 substances, which has led to an average 40% reduction in the prices of these medicines. Starting from 2024, all citizens of Georgia will be able to receive medicines for the treatment of oncological diseases (chemotherapy, hormone therapy and immunotherapy) in full, without limits, with a doctor's prescription.

¹¹⁴ Conclusions XIII-4 (1996), Statement of Interpretation on Article 12§4.

¹¹⁵ Conclusions 2004, Lithuania.

¹¹⁶ Conclusions 2004, Lithuania.

¹¹⁷ Conclusions 2009, Finland.

Caritas Georgia notes that access to essential medicines for the treatment of severe chronic diseases is not guaranteed for all persons residing in Georgia. The State Program for the Treatment of Patients with Rare Diseases and Subject to Permanent Substitution Treatment does not extend coverage to individuals holding temporary residence permits. Caritas further states that medical services provided to oncology patients are subject to financial limits, as the state program establishes maximum reimbursement thresholds for certain procedures and treatments.

The PDO underlines that the national report only provides information on the healthcare aspect of Article 13§1. Other aspects, such as social security remain unaddressed. According to the PDO, most municipalities have not approved any homeless registration rules, and those people who are not registered as homeless fall beyond the social security scheme and are not eligible to benefit from social allowances despite living in streets without financial resources.

Opinion of the ECSR

The ECSR recalls that, under Article 13§1, States must provide adequate medical and social assistance to all persons in need, both to their own nationals and to nationals of States Parties lawfully resident within their territory, on an equal footing.

In addition, with reference to its Statement of Interpretation on Articles 13§1 and 13§4 regarding the scope of Articles 13§1 and 13§4 in terms of persons covered, the ECSR considers that by virtue of the provisions of Article 13§1 of the Charter, which state that any person who is without adequate resources be granted adequate assistance and, in case of sickness, the care necessitated by their condition, States Parties are under an obligation to provide foreign migrants who are in an irregular situation of stay in the territory of the State with urgent medical assistance and such basic social assistance as is necessary to cope with an immediate state of need (accommodation, food, emergency care and clothing).

The entitlement to the right to social assistance arises when the person is unable to obtain resources “either by his own efforts or from other sources, in particular by benefits under a social security scheme”. Article 13 §1 clearly establishes that this right to social assistance takes the form of an individual right of access to social assistance in circumstances where the basic condition of eligibility is satisfied, which occurs when no other means of reaching a minimum income level consistent with human dignity are available to that person.

The ECSR notes that the universal health care programme as described in the report does not cover foreign migrants who are in an irregular situation of stay in the territory of the State, though this category of people is entitled under Article 13§1 to urgent medical assistance and such basic social assistance as is necessary to cope with an immediate state of need.

In the light of the information provided by the Government, the ECSR considers that the current legal framework or the situation in practice is not fully compatible with the requirements of the Charter. However, the ECSR encourages the Government to take the necessary steps in order to ensure the right of migrants in an irregular situation to urgent medical and social assistance in particular, enabling acceptance of this provision as soon as possible. The ECSR also considers that further information is necessary concerning entitlement to social assistance for persons who cannot secure resources in order to assess whether the situation in law and practice is compatible with the requirements of the Charter.

Article 13§2 – Right to social and medical assistance

“With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake: [...]

2 to ensure that persons receiving such assistance shall not, for that reason, suffer from a diminution of their political or social rights;”

Situation in Georgia

According to the Article 6 of the Law on “Health Care”: “It shall be prohibited to discriminate against a patient due to his/her race, skin colour, language, sex, religion, political and other beliefs, national, ethnic and social affiliation, origin, property status and title, place of residence, disease, sexual orientation, or a personal negative attitude”.

In the country, 86% of healthcare providers are privately owned, although state and private law entities are subject to the same legislation, where the protection of the right to health care of the population is mandatory for all. The report also states that resolutions N385 and N359 of the Government of Georgia of 2010 provide for the creation of an adapted environment for persons with disabilities by outpatient and inpatient institutions to ensure their access to services.

Opinion of the ECSR

The ECSR recalls that under Article 13§2, persons receiving assistance must not suffer as a result any diminution of their political or social rights. Any discrimination against persons receiving assistance that might directly or indirectly result from an express legal or other provision must be prohibited¹¹⁸.

Provisions enshrining the principle of equality and prohibiting discrimination should be interpreted in practice in such a way as to prevent the use of material living conditions, social status or any other personal circumstances (for example, state of health) as justification for restriction with regard to civic or social rights¹¹⁹.

The social rights concerned must at least include those embodied in the Charter, starting with the right to assistance itself.

The political rights concerned go beyond those embodied in the European Convention on Human Rights¹²⁰. They include, for example, access to civil service posts and the right to vote. Beneficiaries of social or medical assistance must enjoy an effective protection against discriminatory measures, particularly with regard to their access to employment and public services.¹²¹

The ECSR notes that the information provided in the report concerns the prohibition of discrimination in accessing health care. The report specifically provides information on accessibility of health care institutions for persons with disabilities.

The ECSR recalls that Article 13§2 of the Charter requires that no discrimination be permitted against persons receiving assistance, whether arising from legal provisions or other measures. In particular, their political and social rights must not be reduced because they receive assistance.

In the light of the information provided by the Government, the ECSR considers that the current legal framework or the situation in practice is not fully compatible with the requirements of the Charter. However, the ECSR encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

Article 13§3 – The right to social and medical assistance

“With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake: [...]

3 to provide that everyone may receive by appropriate public or private services such advice and personal help as may be required to prevent, to remove, or to alleviate personal or family want;”

¹¹⁸ Conclusions I (1969), Statement of Interpretation on Article 13§2.

¹¹⁹ Conclusions 2002, Slovenia.

¹²⁰ Conclusions XXVIII-1 (2006), Malta.

¹²¹ Conclusions XVI-2 (2004), Hungary.

Situation in Georgia

According to the report, Georgia's Universal Health Coverage (UHC) program divides its beneficiaries into several groups, each receiving different levels of financial protection based on income, social vulnerability, or special status.

Group I, representing 12.2% of the population, includes households living below the poverty line as well as teachers, public artists, children in foster care, and settled internally displaced persons. Individuals in this group receive full coverage with zero copayment.

Group II, which makes up 25.2% of the population, consists of pensioners, children under five years old, students, and persons registered as having disabilities. Their copayment ranges from 10% to 20%, depending on the service.

A much smaller category, Group III, covering just 0.5% of the population, is reserved for veterans, who also benefit from full coverage without copayments.

Group IV accounts for 12.7% of the population and includes low-income as well as children aged six to eighteen. Members of this group are required to make a 30% copayment.

The remaining population is split into Group V, which includes individuals below retirement age likewise with a 30% copayment, and Group V(a) and V(b), which together constitute the largest segment.

Group V(a), comprising 36.9% of the population, includes people with a monthly income below GEL 1,000, while Group V(b), at 6.2%, includes those earning more than GEL 1,000 per month but less than GEL 40,000 annually. Both of these subgroups also face a 30% copayment.

Opinion of the ECSR

Article 13§3 concerns free of charge services offering advice and personal assistance specifically addressed to persons without adequate resources or at risk of becoming so.¹²²

The social services referred to in Article 13§3 must play a role of prevention, support and treatment. The aim is to provide advice and assistance so that the persons concerned are fully aware of their entitlement to social and medical assistance and how to exercise them¹²³.

In order to comply with the Charter, the main relevant social welfare services must ensure their users an equal and effective access, through the way they operate and are organised, including their geographical distribution; the number, qualifications and duties of the staff employed, including voluntary staff; funding provided for those services and the adequacy of the material and staff resources on the one hand and the number of users on the other hand.¹²⁴

Nationals of Contracting Parties working regularly or residing legally within the territory of another Contracting Party must have access to advice and personal help offered by social services on the same conditions as nationals.¹²⁵

The ECSR notes that the report merely provides information on Georgia's Universal Health Coverage program and the categories of beneficiaries, and their levels of financial protection based on income, social vulnerability, or special status.

¹²² Conclusions 2013, Bosnia and Herzegovina.

¹²³ Conclusions XIII-4 (1996), Statement of Interpretation.

¹²⁴ Conclusions XIII-4 (1996), Statement of Interpretation.

¹²⁵ Ibid.

However, the report does not provide any information on mechanisms to ensure that people in need can access free personal assistance and counselling services. In particular, there is no description of a system for monitoring such services or of a system in place for complaints about lack of access to or the refusal to provide services.

In the light of the information provided by the Government, the ECSR considers that the current legal framework or the situation in practice is not fully compatible with the requirements of the Charter. However, the ECSR encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

Article 13§4 – The right to social and medical assistance

“With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake: [...]

4 To apply the provisions referred to in paragraphs 1, 2 and 3 of this article on an equal footing with their nationals to nationals of other Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11 December 1953.”

Situation in Georgia

According to the report, foreign citizens who are in the territory of Georgia are provided, if necessary, with the same quality of medical services as Georgian citizens under their own medical insurance. State Health programmes cover ambulance care, tuberculosis, HIV/AIDS, mental health, epidemiological surveillance and safe blood services.

Opinion of the ECSR

The ECSR recalls that the beneficiaries of this right to emergency social and medical assistance are foreign nationals who are lawfully present in a particular country but do not have resident status.¹²⁶

States Parties are required to provide non-resident foreigners without resources whether legally present or in an irregular situation emergency social and medical assistance (food, emergency care and clothing) to cope with an urgent and serious state of need.

Migrant minors in an irregular situation in a country are entitled to receive health care extending beyond urgent medical assistance and including primary and secondary care, as well as psychological assistance¹²⁷.

Emergency social assistance should be supported by a right to appeal to an independent body. This right must also be effective in practice.¹²⁸

The ECSR takes note of the written information provided by the Government and it considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, it needs clarification as to whether non-resident foreign nationals lawfully present in the territory in need may have access to social assistance. In the meantime, it encourages the Government to pursue its efforts and to consider accepting Article 13§4 of the Charter as soon as possible.

Article 15§1 – The right of persons with disabilities to independence, social integration and participation in the life of the community

¹²⁶ Conclusions XIV-1 (1998) Statement of interpretation on Article 13§4; Conclusions VII (1981), Statement of interpretation on Article 13§4.

¹²⁷ Défense des enfants international v. Belgium, compliant no. 69/2011, decision on the merits of 23 October 2012, §128.

¹²⁸ Conference of European Churches (CEC) v. the Netherlands, complaint no. 90/2013, decision on the merits of 1 July 2014, § 106.

“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: 1 to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private;”

Situation in Georgia

According to the report, as of February 2025, 14,306 students with special educational needs are identified in Georgian public schools, supported by 2,532 special teachers.

Since 2013, Georgia has implemented a revised school funding model providing extra funds to schools enrolling students with special educational needs. Funding increased from 350 GEL/month per 5 students in 2013 to 700 GEL/month in 2022.

The Ministry of Education develops support resources, guides, and manuals for specialists, teachers, and parents. Braille, sign language, and other communication systems are incorporated from Grade 1 in relevant schools. Curricula and teaching methods have been aligned with child-development principles and national standards. For students with visual impairments, textbooks are printed in Braille and audio versions are produced. The Ministry purchases technical aids such as mechanical braille writers. Infrastructure adaptation projects for inclusive access are ongoing, and transportation services are provided for students.

To strengthen inclusive education, the National Centre for Teacher Professional Development offers numerous training modules for school staff and parents. The National Curriculum includes an alternative curriculum for students with severe/multiple mental disorders and autism; a sensory curriculum for multiple developmental disorders; an advanced curriculum for visually impaired students; mobility-Orientation Standard; Georgian sign-language teaching standard (elementary level) and lowering and accelerated learning curricula for out-of-school children.

In 2021, a sectoral benchmark for special education teacher preparation programs was approved. The first senior special education teacher exam in professional skills also took place in 2021. In 2022, the teacher professional development scheme was updated to include the status of mentor special education teacher.

The Ministry developed an electronic Georgian Braille support tool, integrated into open source “liblui,” enabling Braille displays and Braille keyboard typing in major screen readers.

From the 2024–2025 academic year, a 60-credit special education teacher training program is launched at three universities. A mandatory special-teacher training module has also been integrated into teacher training programs.

Since 2021, Georgia, Norway, and UNICEF run a joint program “No Child Without Education,” developing a new inclusive-education support model focusing on centralized, coordinated support services, strengthening resource schools, improved counselling and transition support and individualised support for each child.

A new inclusive education support system began operation in June 2024, under the Office of Resource Officers of Educational Institutions. Efforts continue to revise regulations for inclusive vocational education to ensure disability inclusion, including a career orientation service. This service provides individualised guidance, employer meetings, practice-site visits, and hands-on profession testing.

The Skills Agency supports inclusive vocational education through ongoing counselling for specialists; continuous professional development model and an inclusive vocational education support network for sharing expertise and resources.

In 2024, the Agency developed a vocational training program for assistants of persons with disabilities, aiming to prepare professionals who can provide high-quality personal support and increase independence and access to vocational education for students with disabilities.

Opinion of the ECSR

The ECSR recalls that Article 15 applies to all persons with disabilities regardless of the nature and origin of their disability and irrespective of their age.

According to Article 15§1, all persons with disabilities have a right to education and training: primary education, general and vocational secondary education as well as other forms of vocational training.

Article 15§1 of the Charter required States Parties to provide education for persons with disabilities, as well as vocational guidance and training, in either pillar of the education system, i.e. mainstream or special schools. Priority should be given to education in mainstream schools in order to secure the independence, social integration and participation in the life of the community of persons with disabilities through their education.¹²⁹

The right to inclusive education is about the right of the child to participate in the regular school and the obligation of the school to accept the child, taking into account the best interests of the child and his/her educational capacities and needs as a primary consideration¹³⁰.

States Parties must take measures in order to enable integration and guarantee that both mainstream and special schools ensure adequate teaching. This means that in order to guarantee an equal and non-discriminatory treatment of people with disabilities, mainstream and special schools must ensure adapted teaching.

The ECSR notes the concerns expressed by the PDO in their third-party comments, that in practice, the few existing institutions in Georgia do not meet the standards of universal design, have sanitary problems and both personal assistants and teachers are not sufficient in number and are not sufficiently trained.

In the light of the information provided by the Government, the ECSR considers that the situation in respect of Article 15§1 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 15§2 – The right of persons with disabilities to independence, social integration and participation in the life of the community

“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: [...]

2 to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;”

¹²⁹ European Action of the Disabled (AEH) v. France, complaint No. 81/2012, decision on the merits of 12 September 2013, §78.

¹³⁰ MDAC v. Belgium, Complaint No. 109/2014, decision on the merits of 16 October 2014, §66.

Situation in Georgia

The report states that active labour market policy plays an important role in promoting the qualification of job seekers through short-term vocational training/retraining and internships, career guidance, mediation, and strengthening their key competencies. Within this framework, special attention is paid to employment support services for persons with disabilities.

Within the State Program for Development of Employment Support Services, mechanisms for promoting the employment of vulnerable, low-competitive groups are developed and implemented. The goal of the activity is to promote the employment of vulnerable, low-competitive persons.

Within the activity, a supported employment consultant provides services to promote employment, which includes consulting job-seeking beneficiaries, including persons with disabilities and persons with special educational needs, and finding/offering appropriate work based on information about skills, abilities, support needs, and motivation.

As a result, in 2021–2024, 930 people were provided with supportive consultations and 653 people with disabilities were employed within the framework of employment promotion programs. During the same period, 12,200 individuals participated in training and retraining programs, of whom 242 were people with disabilities. The salary subsidy program covered 31 participants, including 23 persons with disabilities. Overall, according to the employment index across programs, 18,740 job seekers were supported, including 653 people with disabilities.

According to the PDO, despite the activities carried out, promoting the competitiveness of persons with disabilities and their employment in the open labour market remains a systemic issue. According to a 2022 examination by the PDO, most persons with disabilities interviewed reported that, in addition to the inaccessibility of the physical environment, stages of the selection process such as exams or interviews do not consider their specific needs and are organised without taking reasonable accommodation standards into account.

Opinion of the ECSR

The ECSR recalls that Article 15§2 requires States Parties to promote an equal and effective access to employment on the open labour market for persons with disabilities¹³¹. This provision applies to persons with physical and/or intellectual disabilities¹³². The aim of this provision is therefore to achieve equal employment opportunities for persons with disabilities, by not only rethinking the disability itself but also the means to obtain the participation of disabled persons in the life of the community on an equal footing.¹³³

Legislation must prohibit discrimination on the grounds of disability in order to create genuine equality of opportunities in the open labour market, dismissal on the grounds of disability and provide an effective remedy to those who are found to have been unlawfully discriminated.¹³⁴ Sheltered employment facilities must be reserved for those persons with disabilities who, due to their disability, cannot be integrated into the open labour market. They should aim to assist their beneficiaries to enter the open labour market.

The ECSR notes the efforts made by the authorities to improve equal and effective access to employment for persons with disabilities. It welcomes the positive developments described in the report in ensuring this right. In the light of the information provided by the Government, the ECSR considers that the situation in respect of Article 15§2 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately. However, the ECSR wishes

¹³¹ Conclusions XX 1 (2012), Czech Republic.

¹³² Conclusions I (1969), Statement of Interpretation on article 15§2.

¹³³ Conclusions XIV-2 (1998), Statement of Interpretation on Article 15.

¹³⁴ Conclusions XIX 1 (2008), Czech Republic.

to underline that once accepted, state reports on this provision should systematically provide updated figures concerning the total number of persons with disabilities, including those in age of working; those employed (on the open market and in sheltered employment); those benefiting from employment promotion measures; those seeking employment; those that are unemployed as well as the general transfer rate of people with disabilities from sheltered to open market employment¹³⁵.

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

“With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.”

Situation in Georgia

The Government prioritises improving citizens’ socio-economic conditions by developing a social protection system that reduces poverty-related risks. The Targeted Social Assistance (TSA) Program, in place since 2005, remains the main poverty reduction tool, and its PMT methodology is currently being revised with World Bank support to improve targeting accuracy.

Since 2022, socially assisted families can participate in the Public Works Employment Promotion Sub-Program while retaining subsistence allowances for four years. The Government also implements demographic support measures: under the 2014 Demographic Situation Promotion Program, third and subsequent children born in regions with negative natural growth receive 150–200 GEL monthly, while the Law on “Development of Mountainous Regions” provides 100–200 GEL monthly for children born after 1 January 2016.

Since 2019, families with four or more children and a rating score below 300,000 receive monthly electricity allowances. In 2024, the state purchased housing for 106 socially vulnerable families with three or more children living in homeless or inadequate conditions.

Opinion of the ECSR

Under Article 16 of the Charter, the ECSR examines the means used by states to ensure the social, legal and economic protection of the various types of families in the population, especially single parent families, with a particular emphasis on vulnerable families, including Roma ones.

With regard to social protection, Article 16 guarantees the right to decent housing for families, the right to available, affordable and good quality childcare facilities, family counselling and psychological guidance on child-rearing. In order to ensure that the views of families are taken into account in the formulation of family policy, all civil organisations representing families should be consulted by the competent authorities.

As to legal protection, Article 16 covers the rights and obligations of spouses, parental rights, mediation services available to families and combating all forms of domestic violence. Concerning economic protection, Article 16 requires States Parties to ensure the economic protection of the family by appropriate means, including adequate family benefits.

States Parties must ensure equal treatment of foreign nationals of other States Parties who are lawfully resident or legally employed in their territory with regard to family benefits.

The ECSR takes note of the submissions by the PDO that the new TSA methodology, launched in 2022, remains in a testing phase, and proper administration of the program is still problematic, as

¹³⁵ Conclusions XX-I (2012), Czech Republic.

registration and transfer of money take approximately three months. For PDO, this delay is especially burdensome for families. Furthermore, existing targeted social protection programs at both central and municipal levels do not meet the needs of children and families in severe socio-economic hardship.

The ECSR takes note of the information provided by the Government and it considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, it needs clarification of the measures taken to improve the social and legal protection of families, as distinct from economic protection, in line with Article 16 of the Charter. In the meantime, it encourages the Government to pursue its efforts and to consider accepting Article 16 of the Charter as soon as possible.

Article 17§2 – The right of children and young persons to social, legal and economic protection

“With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed: [...]

2 to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.”

Situation in Georgia

Georgia’s Law on General Education guarantees the right to education and equal access for all. Elementary and basic education are compulsory, and general education is fully funded by the State. The country has 2,292 general education institutions, including 2,086 public schools and 206 authorized private schools.

General education is free of charge for all children in Georgia, including Georgian citizens, holders of neutral or temporary ID documents, aliens (including the citizens of foreign countries with the status of compatriots living abroad), stateless persons, and individuals with refugee or humanitarian status. Students affected by the ongoing war in Ukraine are enrolled in public and private schools through simplified procedures.

The Ministry of Education, Science and Youth of Georgia and its subordinate agencies implement a range of programs to ensure accessible and high-quality education. These include free textbooks, notebooks for first-grade students in public schools, free transportation for students living far from schools, teacher training, and quality assurance and school safety initiatives.

Since 2015, the Ministry has also operated the Transit Education (Bridge) Program to support street and working children. This program facilitates their reintegration into the general education system, helps prevent early school leaving, and provides psychological support and career counselling. In addition, juvenile convicts in penitentiary institutions are given the opportunity to study subjects in line with the national curriculum, enabling them to graduate from school and participate in national admission examinations.

Caritas Georgia states that although public education is free, school meals are not universally provided by the State. In the absence of a national school-meal program, families are responsible for providing food during school hours. As a result, adequate nutrition remains a major challenge. Vulnerable groups, especially children from ethnic minority backgrounds, face persistent exclusion from general education, largely driven by poverty and child labour. According to the National Child Labour Survey (U.S. Department of Labor, 2023), 2.9% of children aged 5–14 are engaged in work, and 3.7% of children aged 7–14 both work and attend school. Many children from Roma, migrant, and other minority communities also lack identity documents, preventing their registration in educational and health institutions. These children are often effectively invisible to the State. Reports

by the Public Defender and UNICEF confirm that Roma and street-connected children have extremely limited access to formal education and healthcare, aside from emergency services.

Opinion of the ECSR

The ECSR recalls that Article 17§2 of the Charter requires States Parties to ensure the effective exercise of children's right to education by establishing and maintaining an accessible, effective, and free system of primary and secondary education for all children. Education must remain compulsory at least until the minimum age for admission to employment.

States must ensure the quality and effectiveness of education by providing a sufficient number of schools, fairly distributed across urban and rural areas, with reasonable class sizes and teacher-pupil ratios. Effective mechanisms must be in place to monitor the quality of teaching and educational methods in both public and private institutions.

Equal access to education must be guaranteed to all children, with particular attention to vulnerable groups such as children from minority communities, asylum-seeking and refugee children, children deprived of liberty, children in care and children with disabilities. Where necessary, special measures must be adopted to ensure effective access, provided that such measures do not result in segregation, notably in the case of Roma children.

The personal scope of Article 17§2 includes all children, regardless of residence or legal status. States are therefore required to ensure effective access to education for irregularly present children on an equal footing with other children, including those above compulsory school age. Primary and secondary education must be free of charge. This obligation extends to preventing hidden costs, such as expenses for books or uniforms, from creating barriers, and requires States to provide assistance to mitigate their impact on the most vulnerable children.

States must also take active measures to encourage regular school attendance, reduce absenteeism, and prevent early school leaving. Article 17§2 underscores the importance of the child's right to be heard in education. States must ensure meaningful child participation in educational decision-making processes and in matters affecting children's learning environments, as an essential component of the right to education.

With regard to children from vulnerable groups, the ECSR takes note of the measures so far adopted, in particular the Transit Education (Bridge) Program aimed at supporting street and working children and at facilitating their reintegration into the general education system. It also takes notes that juvenile convicts in penitentiary institutions are given the opportunity to study subjects in line with the national curriculum.

Nevertheless, the ECSR notes that the report does not provide any information on whether children irregularly present on the territory enjoy the right to education on an equal footing with other children, as the domestic law limits the beneficiaries of this right to Georgian citizens, holders of neutral or temporary ID documents, the citizens of foreign countries with the status of compatriots living abroad, stateless persons, and individuals with refugee or humanitarian status.

Considering also the concerns expressed by Caritas Georgia regarding the situation of children from Roma and migrant communities in particular, the ECSR considers that the current legal framework or the situation in practice is not fully compatible with the requirements of the Charter. However, the ECSR encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

Article 21 – The right to information and consultation

“With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

a to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and

b to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.”

Situation in Georgia

The report states that no new legislative regulations have been adopted regarding employees' rights to information and consultation, since the submission of the 2021 report. During the reporting period, the Supreme Court of Georgia did not consider any claims related to Articles 70-73 of the Labor Code of Georgia, which regulate employees' rights to information and consultation.

In 2021-2024, within the framework of the initial inspection conducted by the Labour Inspection, a total of 11 cases of violation of Article 70 of the Labor Code were identified. In relation to all identified cases the Labour Inspection applied a warning as an administrative penalty.

According to Caritas Georgia, the level of public awareness regarding labour rights and occupational standards remains low. As a result, the actual number of violations and unreported complaints is significantly higher than reflected in official statistics.

Opinion of the ECSR

The ECSR recalls that Article 21 of the Charter guarantees workers and their representatives the right to be informed and consulted within the undertaking, with a view to ensuring effective participation in decisions affecting their working environment and employment interests.

Workers or their recognised representatives must be informed, in a timely and comprehensible manner, about the economic and financial situation of the undertaking. Disclosure may be limited or subject to confidentiality where the release of certain information could be prejudicial to the undertaking.

The right to information and consultation applies to employees and/or their representatives, including trade unions, works councils, staff committees, or health and safety committees, as recognised under national law or practice¹³⁶. Compliance with Article 21 requires that national legislation or practice covers all categories of workers and undertakings, although States may exclude undertakings employing fewer than a certain number of workers, as determined nationally.

In order to ensure effective enforcement, States must establish supervisory mechanisms, such as a labour inspectorate, empowered to impose sanctions for non-compliance¹³⁷. Administrative and judicial remedies must be available to workers and their representatives, including the legal capacity to initiate proceedings against employers and to appeal decisions before a court. Effective, proportionate, and dissuasive sanctions must be in place for employers who fail to comply with their obligations under Article 21.

¹³⁶ Conclusions 2010, Belgium.

¹³⁷ Conclusions 2005, Lithuania.

In the light of the information provided in the current and 2021 reports, the ECSR considers that the situation in respect of Article 21 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 22 – The right to take part in the determination and improvement of the working conditions and working environment

“With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:
a to the determination and the improvement of the working conditions, work organisation and working environment;
b to the protection of health and safety within the undertaking;
c to the organisation of social and socio-cultural services and facilities within the undertaking;
d to the supervision of the observance of regulations on these matters.”

Situation in Georgia

According to the report, no legislative amendments were made regarding this Article during the reporting period. The rights of Employees’ participation in work conditions and work environment definition and improvement is protected by Article 9 of the Organic Law of Georgia on Occupational Safety. No violation of occupational safety and health regulations has occurred in the inspections conducted by the Labour Inspection since 2021.

Opinion of the ECSR

The ECSR recalls that under Article 22 of the Charter, workers have the right to participate in determining and improving their working conditions and working environment within the undertaking. To ensure the effective exercise of this right, States Parties must adopt or encourage measures enabling workers or their representatives, in line with national legislation and practice, to contribute to the determination and improvement of working conditions, work organisation, and the working environment; to the protection of health and safety at work; the organisation of social and socio-cultural services and facilities within the undertaking; the supervision of compliance with relevant regulations.

This right implies that workers must be able to contribute, to a certain extent, to the employer’s decision-making process. The provision applies to both private and public undertakings, including state-owned enterprises, but does not generally cover public employees as a whole.

States may exclude undertakings below a certain size, as defined by national legislation or practice.

Regarding health and safety, workers and/or their representatives must have an effective right to participate in decision-making and in monitoring compliance with health and safety regulations.

Finally, workers must have access to effective legal remedies when these rights are not respected¹³⁸, and employers must be subject to sanctions if they fail to comply with their obligations under this provision.

The ECSR takes note that on the basis of complaints introduced before the Public Defenders’ Office, the latter issued a general proposal to the advisory council of the Labour Inspection Service to create recommendations on account of proper protection of labour rights and preventing discrimination on the ground of trade union membership.

¹³⁸ Conclusions 2003, Bulgaria.

In the light of the information provided by the Government, the ECSR considers that the situation in respect of Article 22 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately. However, the ECSR wishes to underline that once accepted, state reports on this provision should contain information on the legal remedies when these rights are not respected, and the applicable sanctions for employers which fail to fulfil their obligations under this provision.¹³⁹

Article 23 – The right of elderly persons to social protection

“With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in co-operation with public or private organisations, appropriate measures designed in particular:

- to enable elderly persons to remain full members of society for as long as possible, by means of:

a adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;

b provision of information about services and facilities available for elderly persons and their opportunities to make use of them;

- to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:

a provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;

b the health care and the services necessitated by their state;

- to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institution.”

Situation in Georgia

Georgia ensures social protection and poverty prevention for older persons through a universal old-age pension system based solely on age (60 for women and 65 for men). Pensions are indexed annually to inflation, with additional growth-based increases for pensioners aged 70 and over and guaranteed minimum annual increases. Current pension levels are 450 GEL for those aged 70 and above and 350 GEL for other pensioners.

Persons with disabilities receive indexed social packages that reflect inflation and economic growth. In 2025, assistance amounts to 425 GEL for persons with profound disabilities and children with disabilities, and 230 GEL for persons with significant disabilities. Beneficiaries living in mountainous regions receive a supplementary benefit equal to 20% of their pension or social package.

Extreme poverty and social risks are addressed through the Targeted Social Assistance program, which provides subsistence allowances to families without income or income-generating assets.

Through the Program “Social Rehabilitation and Child Care,” Georgia finances a broad range of community-based services to promote social inclusion and independent living for older persons and persons with disabilities. These services include care and accommodation, medical assistance, individual support plans, and the provision of assistive devices. Long-term care and family-type services further support independent living and participation in society.

Since 2023, personal assistant and home care services have expanded to prevent institutionalisation, support families, and reduce rehospitalisation risks. Social services continue to grow in scope and geographic coverage, supported by increasing state funding.

¹³⁹ Conclusions 2003, Bulgaria.

Georgia is advancing deinstitutionalisation by transitioning beneficiaries from large institutions to community-based alternatives, including the successful closure of the Martkhopi boarding house in 2024. From 2025, personal assistant services have been decentralized to municipalities, strengthening local governance and service delivery. Information and consulting centres have also been established to support the rights and independent living of persons with disabilities.

Georgia is also reforming disability assessment by moving from a medical to a biopsychosocial model, supported by a national action plan. Implementation of disability rights is coordinated through a unified council involving state institutions, civil society, international partners, and representatives of persons with disabilities and their families. A comprehensive evaluation of social services planned for 2025 will guide future improvements and modernisation of the social protection system.

According to Caritas, Georgia does not currently have a dedicated state social program addressing the specific needs of older adults, beyond the universal old-age pension. There is no comprehensive national program that ensures standardised and accessible home-based care services for older persons. Existing state health programs primarily focus on clinical and hospital-based services, rather than on long-term, community-based or home-care assistance. There is no state daycare centre in Georgia. As a result, the responsibility for older persons' care largely falls on family members. Existing services are fragmented, with some municipalities providing targeted homecare or food support initiatives, while no unified national framework exists to guarantee equal access across the country.

Opinion of the ECSR

The ECSR recalls that Article 23 of the Charter reflects a progressive approach aimed at enabling older persons to remain full members of society. This means that older persons must not be excluded or marginalised on the basis of age and must be able to participate in public, social, and cultural life, whether they are active or retired, living independently or in institutions.

Article 23 obliges States to adopt measures tailored to the specific needs of older persons, particularly outside the employment sphere. States must establish a legal framework to combat age discrimination in areas such as access to goods, services, healthcare, insurance, banking, and participation in public decision-making. The provision also requires legislation on assisted decision-making, ensuring that older persons are not presumed incapable solely due to age, disability, or health conditions. Safeguards must protect their autonomy, support the expression of their will and preferences, and prevent abuse, neglect, or arbitrary interference in their decision-making.

Article 23 further requires States to ensure adequate resources for older persons, primarily through sufficient pensions and complementary benefits, enabling them to lead a decent life and actively participate in society. Article 23 emphasises the right of older persons to live independently and choose their lifestyle, through access to suitable housing, housing adaptations, and adequate healthcare, including primary, mental, and palliative care. For those living in institutions, the Charter guarantees appropriate care, respect for privacy and dignity, participation in decisions affecting their living conditions, and protection against abuse.

The ECSR takes note of the concerns expressed by the PDO that the Government conflates the rights of older persons with disability policies. According to PDO, monitoring of municipal and private care facilities revealed widespread violations, including inadequate living conditions and a failure to ensure personal autonomy. Many older persons live in long-term institutional settings where they are socially isolated and home care services remain extremely limited and assistance in most regions restricted to one-time benefits. The PDO underlines the lack of a comprehensive, mandatory regulatory framework.

In the light of the information provided by the Government, the ECSR considers that the current legal framework or the situation in practice is not fully compatible with the requirements of the Charter. However, the ECSR encourages the Government to take the necessary steps enabling acceptance

of this provision as soon as possible, focusing on the autonomy, dignity and participation in the life of the community of older persons, rather than viewing them as a vulnerable group in need of care.

Article 24 – The right to protection in cases of termination of employment

“With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:

a the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;

b the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.

To this end the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.”

Situation in Georgia

According to the report, in 2024–2025, amendments to the Law on Public Service strengthened safeguards for civil servants in cases of unlawful dismissal. If a dismissal decision is annulled by a superior body or a court, the public institution is obliged to immediately reinstate the official to the same position or, if that is not possible, to an equivalent position within the same institutional system. Reinstatement in another public institution is permitted only with the consent of both the dismissed civil servant and the receiving institution.

In cases where a dismissal linked to reorganisation is annulled, reinstatement is excluded. Instead, the affected person is entitled to compensation for lost wages and an additional payment equal to three months’ official salary.

Supreme Court case law, provided in the report, further clarifies compensation standards in cases of unlawful dismissal. Courts may order reinstatement, equivalent employment, or compensation, depending on the circumstances. Compensation is determined at the court’s discretion and is intended to cover both material loss and moral damage. In setting the amount, courts consider the employee’s age, qualifications, employability, family and social situation, as well as the employer’s financial condition, liquidity, and solvency.

Compensation also functions as a sanction against the employer and must ensure a minimum level of social protection for the employee, while remaining reasonable and avoiding unjust enrichment. This consistent judicial approach ensures that compensation reflects the specific circumstances of each case and confirms that domestic case law on unlawful dismissal effectively upholds the right to freedom of labour, in line with the principles of the European Social Charter.

According to the PDO, under the amendments to the Law on Public Service, heads of structural units and their deputies (previously career public servants appointed on an indefinite basis) have been removed from the professional civil service and are now employed on fixed-term administrative contracts. According to PDO, this amendment substantially weakens labour guarantees and undermines the rank-based system of public service.

Opinion of the ECSR

Article 24 relates to termination of employment at the initiative of the employer.

All workers who have signed an employment contract are entitled to protection in the event of termination of employment. However, according to the appendix, the States Party may exclude one or more of the following categories:

- workers engaged under a contract of employment for a specified period of time or a specified task;

- workers undergoing a period of probation or a qualifying period of employment, provided that this is determined in advance and is of a reasonable duration. Exclusion of employees from protection against dismissal for six months or 26 weeks is not considered reasonable if it is applied indiscriminately, regardless of the employee's qualifications;
- workers engaged on a casual basis for a short period.

This list is exhaustive. The ECSR refers to its conclusions and decisions regarding the definition of valid reasons for the termination of employment and the prohibition of termination of employment for certain reasons.

Any employee who believes that he or she has been dismissed without just cause should have the right to appeal to an impartial body. Employees dismissed without valid reason must be granted adequate compensation or other appropriate relief.

In the light of the information provided by the Government, the ECSR considers that the situation in respect of Article 24 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 25 – The right of workers to the protection of their claims in the event of the insolvency of their employer

“With a view to ensuring the effective exercise of the right of workers to the protection of their claims in the event of the insolvency of their employer, the Parties undertake to provide that workers’ claims arising from contracts of employment or employment relationships be guaranteed by a guarantee institution or by any other effective form of protection.”

Situation in Georgia

Under the Law of Georgia on Rehabilitation and the Collective Satisfaction of Creditors’ Claims, the National Bureau of Enforcement (NBE) is the responsible agency for granting authorisation to insolvency practitioners and maintains their unified registry.

Upon a court’s declaration that an insolvency application is admissible, the NBE receives the court ruling and enforces the moratorium. This includes suspending all ongoing enforcement measures against the debtor’s property, preventing new enforcement actions, and cancelling pre-existing enforcement or security restrictions. The NBE does not distribute insolvency proceeds and therefore does not maintain data on the satisfaction of creditors’ claims.

Employees’ claims are protected through preferential status. Claims for unpaid salaries and leave (up to three months) and compensation for occupational injury (up to GEL 1,000 per creditor) are treated as preferential, excluding claims of directors, supervisory board members, and their family members. Preferential creditors must be clearly identified in the debtor’s list of liabilities, and their rights cannot be overridden by creditors’ agreements without their consent. Preferential claims must also be treated proportionally among themselves.

Rehabilitation managers are responsible for identifying assets, selling property, and distributing proceeds in strict compliance with statutory priorities. Preferential claims must be paid in full where assets permit, or proportionally if assets are insufficient. Courts supervise this process by approving rehabilitation plans and ensuring that preferential claims are not subordinated to non-preferential claims.

In case of bankruptcy, the distribution of the insolvency estate follows a specific order:

- costs of the bankruptcy procedure and labour-related expenses during the process;

- preferential claims (including workers' preferential claims);
- non-preferential claims, including remaining unpaid wages.

In practice, workers' rights are safeguarded through the prioritisation of claims and judicial oversight. Data on insolvency cases, maintained by the Business Rehabilitation and Insolvency Practitioners Association (BRIPA) shows that recognized preferential claims in ongoing bankruptcy cases amount to GEL 336,717.39, while GEL 338,687.00 in preferential claims has been satisfied in concluded cases.

The National Agency of Public Registry (NAPR) registers the initiation and termination of insolvency, bankruptcy, or rehabilitation regimes, as well as the appointment of insolvency managers, based on court decisions. Over the past five years, insolvency proceedings have been ongoing for 38 entities, rehabilitation for 15 entities, and the registration of 207 entities has been cancelled following court decisions. No insolvency cases involving monitored payment system participants have been recorded.

Opinion of the ECSR

The ECSR recalls that Article 25 of the Charter guarantees all workers the right to effective protection of their employment-related claims in the event of their employer's insolvency¹⁴⁰.

The concept of insolvency is interpreted broadly. It covers not only situations where formal insolvency proceedings are opened, but also cases where an employer's assets are insufficient to justify opening formal proceedings, including situations where an enterprise closes down without being formally declared insolvent.

States may cap protection at a socially acceptable level, with three times the employee's average monthly wage considered acceptable.

Workers' claims must take precedence over other creditors both in formal insolvency proceedings and where no formal insolvency is declared. Protection must remain effective even where the employer has no assets.

A privilege system alone is insufficient to meet Article 25 requirements where there are no assets to distribute. In such cases, States must provide an alternative mechanism (for example, a wage guarantee scheme)¹⁴¹. Where workers' claims are subordinated to mortgage debts, enforcement costs, or bankruptcy expenses, protection is not considered effective under the Charter.

States must demonstrate the practical effectiveness of protection by providing data on the average time between lodging a claim and payment; and the proportion of workers' claims actually satisfied.

Only in exceptional cases, and due to the special nature of the employment relationship, may certain categories of workers be excluded. Such exclusions are strictly scrutinised by the ECSR. Part-time workers, fixed term or temporary workers, and workers with less than one year of service may not be excluded.

In its 2021 Report, the ECSR reserved its opinion on Georgia's ability to accept Article 25 of the Charter pending information on the implementation of the Law on Rehabilitation and Collective Satisfaction of Creditors.

The ECSR considers that the current report does not contain information on situations where insolvency is not formally declared and the employer has no assets, and on how employees' claims are protected in such cases. All the mechanisms described in the report including the preferential ranking of claims, presuppose the formal opening of insolvency proceedings by a court and the statistical data and institutional roles (BRIPA, NAPR) described in the report all relate to formally

¹⁴⁰ Conclusions 2003, France.

¹⁴¹ Conclusions 2012, Albania.

declared insolvency cases. The report does not address cases where employer ceases activity without declaring insolvency; situations where no insolvency application is filed; cases where the employer has no asset and does not provide information on alternative protection mechanisms in such cases.

In the light of the information provided by the Government, the ECSR considers that the current legal framework or the situation in practice is not fully compatible with the requirements of the Charter. However, the ECSR encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible, including by developing an alternative mechanism to the privilege system, which in it itself does not provide effective guarantee of protection of workers' claims in situations where the employer no longer has any assets.

Article 28 – The right of workers' representatives to protection in the undertaking and facilities to be accorded to them

***“With a view to ensuring the effective exercise of the right of workers' representatives to carry out their functions, the Parties undertake to ensure that in the undertaking:
a they enjoy effective protection against acts prejudicial to them, including dismissal, based on their status or activities as workers' representatives within the undertaking;
b they are afforded such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, account being taken of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.”***

Situation in Georgia

Georgian legislation provides enhanced protection for trade union members and elected trade union representatives, complementing the 2020 amendments that prohibit discrimination based on trade union membership.

The Organic Law of Georgia on Trade Unions guarantees that employees elected to trade union bodies and remaining in their main employment may be granted time off for performing trade union duties and for short-term training, in accordance with collective agreements. Employees elected as delegates to trade union bodies, conferences, or congresses are entitled to exemption from work duties to participate in these activities under the same conditions. The law offers strong protection against retaliation. Employers may not dismiss, transfer, or subject to disciplinary proceedings a chairperson, member of an elective trade union body, without the prior consent of the relevant trade union body.

Additional guarantees apply to workers elected to trade union bodies who are dismissed from their main job. Such workers have a preferential right to return to their previous or an equivalent position after their term of office ends, cannot be dismissed from the elected position at the employer's initiative within one year after the end of the term (except as provided by law), and retain the social and labour rights applicable to comparable employees, as regulated by collective agreements. Employers are legally obliged, within their material and financial capacity, to ensure the operational functioning of trade unions by providing premises, equipment, and communication facilities at the employer's expense.

Opinion of the ECSR

The ECSR recalls that Article 28 of the Charter guarantees the right of workers' representatives to protection in the undertaking and to certain facilities. It complements Article 5, which recognises a similar right in respect of trade union representatives¹⁴².

Protection should cover the prohibition of dismissal on the ground of being a workers' representative and the protection against detriment in employment other than dismissal¹⁴³. The protection afforded

¹⁴² Conclusions 2003, Bulgaria.

¹⁴³ Conclusions 2003, France.

to worker representatives should extend for a period beyond the mandate six months is considered a reasonable period.

The protection afforded to employee representatives should extend beyond the term of office - six months is considered a reasonable time frame¹⁴⁴

Remedies must be available to worker representatives to allow them to contest their dismissal.¹⁴⁵

Where a dismissal based on trade union membership has occurred, there must be adequate compensation proportionate to the damage suffered by the victim.

States Parties shall ensure that workers' representatives are provided with appropriate facilities to enable them to perform their functions promptly and effectively, taking into account the industrial relations system of the country and the needs, size and capabilities of the enterprise concerned.

In the light of the information provided by the Government, the ECSR considers that the situation in respect of Article 28 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately. However, the ECSR wishes to underline that once accepted, state reports on this provision should contain information on the protection granted to workers' and trade union representatives against detrimental acts other than dismissal, such as denial of certain benefits, training opportunities, promotions or transfers, discrimination when issuing layoffs or assigning retirement options, being subjected to shifts cut-down or any other taunts or abuse.¹⁴⁶

Article 30 - Right to be protected against poverty and social exclusion

“With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

a to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;

b to review these measures with a view to their adaptation if necessary.”

Situation in Georgia

According to the report, in order to ensure the realisation of citizens' rights, mitigate the social risks caused by poverty, and enhance the well-being of the population, targeted groups are provided with old-age pensions, financial assistances are given to persons with disabilities (including children), survivors, displaced persons, refugees, persons with humanitarian status, residents of mountainous regions, war veterans, individuals living below the poverty line. Non-financial social assistance is provided for older people, vulnerable children, including children lacking parental care, persons with disabilities / children, victims of domestic violence and abuse.

One of the most important measures to fight against poverty is to provide the population with a subsistence allowance through targeted social assistance programme.

The priority of the state is to raise the child in a family environment, where their rights and the best interests of the child are protected. Under this programme was established a child benefit, which is given to all children under the age of 16 living in families with a rating score of 120001. From June 2023 the child benefit increased from 150 GEL to 200 GEL.

Caritas Georgia states that under the current social protection framework, it is not possible for individuals to receive multiple types of state assistance simultaneously. For instance, if a person holds the status of a person with disabilities and receives a corresponding state benefit and at the

¹⁴⁴ Conclusions 2010, Bulgaria.

¹⁴⁵ Conclusions 2010, Norway.

¹⁴⁶ Conclusions 2022, Belgium.

same time is registered as an Internally Displaced Person (IDP), they are not eligible to receive both benefits concurrently. In such cases, the individual continues to receive only the disability allowance, while the IDP assistance is suspended. This regulation, while aimed at preventing duplication of benefits, may inadvertently disadvantage vulnerable individuals who face overlapping hardships and require multidimensional support.

Opinion of the ECSR

The ECSR recalls that Article 30 of Charter imposes on States Parties a positive obligation to prevent and reduce poverty and social exclusion through an overall and coordinated approach, which shall consist of an analytical framework, a set off priorities and corresponding measures to prevent and remove obstacle to access social rights, in particular, employment, housing, training, education, culture and social and medical assistance¹⁴⁷

The comprehensive and coordinated approach must link and integrate policies in a coherent way, going beyond a purely sectoral or target group approach and coordinating mechanisms, including at the level of delivery of assistance and services to those living in or at risk of poverty, should exist.

Adequate resources are one of the main elements of the overall strategy to combat social exclusion and poverty and should therefore be allocated to achieve the objectives of the strategy¹⁴⁸.

The measures taken should be adequate in their quality and quantity to the nature and extent of poverty and social exclusion in the country. They should strengthen access to social rights, their monitoring and enforcement, improve the procedures and management of benefits and services, improve information about social rights and related benefits and services, combat psychological and socio-cultural obstacles to accessing rights and where necessary specifically target the most vulnerable groups and regions.

States must establish monitoring mechanisms involving all relevant actors, including civil society and persons affected by poverty and social exclusion. The absence of reliable data on disadvantaged or excluded groups constitutes a failure to comply with the requirement of an overall and coordinated approach.

The ECSR has interpreted the scope of Article 30 as relating both to protection against poverty (understood as involving situations of social precarity) and protection against social exclusion (understood as involving obstacles to inclusion and citizen participation), in an autonomous manner or in combination with other connecting provisions of the Charter. Compliance is therefore assessed using both income-based and multidimensional indicators. These two dimensions constitute an expression of the principle of indivisibility which is also contained in other provisions of the Charter (for example, enjoyment of social assistance without suffering from a diminution of political or social rights, Article 13).

Article 30 therefore requires States to pursue a sustained, well-resourced, and participatory strategy to combat poverty and social exclusion. Protection must be practical and effective, continuously reviewed, and reinforced where poverty persists, ensuring full respect for human dignity and social inclusion. The ECSR does not only examine the legislation but also require that coordinated policy measures are in place to protect against poverty and social exclusion.

In its 2015 report, the ECSR gave a negative assessment of the situation in Georgia regarding the acceptance of Article 30. In its 2021 report, the ECSR considered that it needed information on how the government co-ordinates efforts and measures in different areas to achieve the overall and co-ordinated approach required by this provision and thus to take into account the multidimensional nature of poverty and social exclusion. As no information was available on monitoring mechanisms

¹⁴⁷ Conclusions 2003, Statement of Interpretation on Article 30.

¹⁴⁸ Conclusions 2005, Slovenia.

and the participation of civil society and persons concerned in these mechanisms, the ECSR reserved its opinion on Georgia's ability to accept Article 30 of the Charter.

The ECSR takes note of the information provided by the Government and it considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, it requires information concerning coordination across public policies and levels of governance; effective delivery mechanisms at the level of services and assistance; and adequate and, where necessary, increased resources, enabling an assessment to be done as to whether the authorities' approach integrates the fight against poverty and social exclusion into all areas of public policy, going beyond fragmented or purely sectoral responses. In the meantime, it encourages the Government to pursue its efforts and to consider accepting Article 30 of the Charter as soon as possible.

Article 31 – The right to housing

“With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1 to promote access to housing of an adequate standard;

2 to prevent and reduce homelessness with a view to its gradual elimination;

3 to make the price of housing accessible to those without adequate resources.”

Situation in Georgia

The report states that the domestic legislation assigns housing-related responsibilities to local self-government bodies under the Law on Social Assistance and the Local Self-Government Code. These responsibilities include the registration of homeless persons and the provision of shelters. A homeless person is legally defined as an individual without a permanent place of residence who is registered as such with the local self-government.

Georgia's housing policy is shaped by the large number of internally displaced persons (IDPs) resulting from the occupation of 20% of its territory. Approximately 300,000 IDPs (around 95,000 families) are registered nationwide. Addressing housing needs remains a major challenge, and the government implements multiple state programs to provide durable housing solutions. Housing acquired under these programs is transferred into private co-ownership of all family members, ensuring full property rights. The programs also take into account the needs of persons with disabilities. In 2024, over 2,000 IDP families have been accommodated through various schemes.

Since 2024, Georgia has introduced a resettlement program targeting homeless or socially vulnerable large families living in inadequate conditions. The program covers families with three or more underage children registered in the Unified Database of Socially Vulnerable Families. It aims to provide dignified housing conditions to up to 1,000 families, with housing already purchased for 106 beneficiaries. The program will run until the end of 2025 with a total budget of 50 million GEL.

In their third-party comments, the PDO highlights that Georgia's housing framework suffers from systemic shortcomings. Social housing is largely inadequate and below international standards, with no legally defined minimum standards for homeless accommodation. Municipal housing measures are fragmented, short-term, and unevenly applied, leading to significant disparities in access and protection across municipalities. These deficiencies disproportionately affect persons with disabilities, as social housing generally fails to meet accessibility and reasonable accommodation requirements. Municipal programmes for homeless persons are mostly insufficient or non-existent, with long-term accommodation available in only one municipality in 2022, demonstrating the lack of a coherent national homelessness policy. The situation therefore reflects structural gaps in housing policy, weak inter-municipal coordination, and inadequate safeguards for vulnerable groups, raising serious concerns about Georgia's compliance with Article 30 of the Charter.

According to Caritas Georgia, the state-funded apartment rent scheme offers only partial and unstable support, as it does not cover actual rental costs and is often impractical due to landlords'

reluctance to accept state-mediated payments. Financial assistance is frequently time-limited and abruptly discontinued. The procedure for obtaining official homeless status is overly complex and administratively burdensome, involving long waiting periods and repeated interactions with authorities to remain eligible for assistance. Even when granted, the level of financial support is inadequate to secure decent housing.

Opinion of the ECSR

The ECSR recalls that under Article 31 of the Charter, States must take appropriate legal, financial, and operational measures to ensure the practical and effective enjoyment of the right to housing. This includes adopting coherent strategies, allocating sufficient resources, maintaining reliable statistics, regularly reviewing policies, setting timetables, and paying particular attention to the impact on vulnerable groups.

Under Article 31§1, States must promote access to adequate housing, defined in law as housing that is safe and healthy, not overcrowded, and enjoys secure tenure¹⁴⁹. Adequacy standards apply to both new and existing housing, whether rented or owner-occupied. Special positive measures are required for vulnerable groups¹⁵⁰, including low-income persons, persons with disabilities, Roma, Travellers, refugees, and unaccompanied children. Effective implementation requires inspections, enforcement against substandard housing, protection against interruption of essential services, and access to effective legal remedies.

Article 31§2 and §3 concern preventing and reducing homelessness and ensuring housing affordability. States must provide immediate shelter meeting minimum dignity standards, prevent evictions through procedural safeguards, and ensure rehousing or assistance where evictions occur. In parallel, States must ensure affordable housing through social housing and housing benefits, targeting the most disadvantaged, avoiding excessive waiting periods, and guaranteeing non-discriminatory access supported by effective remedies.

In the light of the information provided by the Government, the ECSR considers that the current legal framework and the situation in practice is not fully compatible with the requirements of the Charter. However, the ECSR encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

¹⁴⁹ Conclusions 2003, France.

¹⁵⁰ Centre on Housing Rights and Evictions (COHRE) v. Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010, §§ 39-40.

APPENDIX I :



European
Social
Charter

Charte
sociale
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— Georgia and the European Social Charter —

Signatures, ratifications and accepted provisions

Georgia ratified the Revised European Social Charter 22/08/2005, accepting 63 of the Revised Charter's 98 paragraphs.

Georgia has not yet ratified the Additional Protocol providing for a system of Collective Complaints.

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3										
									Grey = Accepted provisions		

Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted [reports concerning Georgia](#) in 2012, 2015 and 2021.

The Committee considers that there are no legal obstacles to acceptance by Georgia of Articles 2§3, 2§4, 2§6, 3§1, 3§2, 10§1, 10§3, 10§5, 15§1, 21, 22 and 24.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

Monitoring the implementation of the European Social Charter ¹⁵¹

I. Reporting system ¹⁵²

Reports submitted by Georgia

Between 2007 and 2024, Georgia has submitted 17 reports on the application of the Revised Charter.

The [16th report](#), which was submitted on 30/12/2022, concerns the accepted provisions relating to thematic group 4 "Children, families and migrants" (Articles 7, 8, 16, 17, 16, 19, 27 and 31).

Conclusions with respect to these provisions have been published in March 2024.

On 28 December 2023, an [ad hoc report on the cost-of-living crisis was submitted by Georgia](#)¹⁵³.

¹⁵¹ The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

¹⁵² Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

¹⁵³ In accordance with the [decision of the Ministers' Deputies](#) adopted on 27 September 2022 concerning the [new system](#) for the presentation of reports under the European Social Charter, the European Committee of Social Rights and the Governmental Committee have decided to request an *ad hoc* report on the cost-of-living crisis to all State parties.

Situations of non-conformity ¹⁵⁴

Thematic Group 1 “Employment, training and equal opportunities” - Conclusions 2020

▶ *Article 15§3 - Right to work - Free placement services*

It has not been established that employment services operate in an efficient manner.

▶ *Article 15§4 – Right to work – Vocational guidance, training and rehabilitation*

- The right to continuing vocational training for workers is not guaranteed;
- It has not been established that the right of persons with disabilities to vocational guidance and training is guaranteed.

▶ *Article 10§2 - Right to vocational training – Apprenticeship*

It has not been established that an effective apprenticeship system exists.

▶ *Article 10§4 – Right to vocational training – Long term unemployed persons*

- Special measures for the retraining and reintegration of the long-term unemployed have not been effectively provided or promoted;
- Equal treatment regarding access to training and retraining for the long-term unemployed is not guaranteed to nationals of other states parties lawfully resident in Georgia.

▶ *Article 15§3 – Right of persons with disabilities to independence, social integration and participation in the life of the community – Integration and participation of persons with disabilities in the life of the community*

It has not been established that:

- persons with disabilities have effective access to housing;
- persons with disabilities have effective access to transport;
- persons with disabilities have effective access to communication technologies.

▶ *Article 20 –Right to equal opportunities and equal treatment in employment and occupation without sex discrimination*

- There is no explicit statutory guarantee of equal pay for women and men for equal work or work of equal value;
- The obligation to make measurable progress in reducing the gender pay gap has not been fulfilled.

Thematic Group 2 “Health, social security and social protection” - Conclusions 2021

▶ *Article 11§1 – Right to protection of health – Removal of the causes of ill–health*

- The measures taken to reduce infant and maternal mortality have been insufficient;
- It has not been established that the provision of healthcare is not subject to unnecessary delays.

▶ *Article 11§2 – Right to protection of health – Advisory and educational facilities*

Measures for counselling and screening of pregnant women and children are not adequate.

▶ *Article 11§3 – Right to protection of health – Prevention of diseases and accidents*

- It has not been established that adequate measures were taken to overcome environmental pollution;
- The measures taken to ensure access to safe drinking water in rural areas were insufficient;
- It has not been established that adequate measures were taken to prevent accidents.

▶ *Article 12§1 – Right to social security – Existence of a social security system*

The right to social security is not guaranteed to all workers and their dependents.

¹⁵⁴ Further information on the situations of non-conformity is available on the [HUDOC database](#).

Thematic Group 3 “Labour rights” - Conclusions 2022

▶ *Article 2§1 – Right to just conditions of work – Reasonable working time*

There is no appropriate authority that supervises that daily and weekly working time limits are respected in practice.

▶ *Article 2§2 – Right to just conditions of work – Public holidays with pay*

Work performed on a public holiday is not adequately compensated.

▶ *Article 2§7 – Right to just conditions of work – Night work*

Night workers are not effectively subject to compulsory regular medical examination.

▶ *Article 4§3 – Right to a fair remuneration – Non-discrimination between women and men with respect to remuneration*

- There is no explicit legislative guarantee of equal pay for women and men for equal work or work of equal value;
- It has not been established that, in disputes on equal pay, the legislation authorises comparisons of remuneration across companies.

▶ *Article 4§4 – Right to a fair remuneration – Reasonable notice of termination of employment*

- The Labour Code does not set out different notice periods for the termination of contracts nor severance pay proportionate to the length of service;
- No notice period is provided where the termination of the employment contract is due to the initiation of liquidation proceedings when the employer is a legal entity.

▶ *Article 6§1 – Right to bargain collectively – Joint consultation*

- Joint consultation does not take place at several levels;
- Joint consultation does not cover all matters of mutual interest of workers and employers;
- Joint consultation does not take place in the public sector including the civil service.

▶ *Article 6§2 – Right to bargain collectively – Negotiation procedures*

- The promotion of collective bargaining is not sufficient;
- An employer may unilaterally disregard a collective agreement.

▶ *Article 6§4 – Right to bargain collectively – Collective action*

The police are denied the right to strike.

▶ *Article 26§1 – Right to dignity in the workplace – Sexual harassment*

The existing framework in respect of employers' liability does not provide for sufficient and effective remedies in cases of sexual harassment when third parties are involved.

▶ *Article 26§2 – Right to dignity in the workplace – Moral harassment*

The existing framework in respect of employers' liability does not provide for sufficient and effective remedies in cases of moral (psychological) harassment when third parties are involved.

▶ *Article 29 – Right to information and consultation in procedures of collective redundancy*

Domestic law makes no provisions for sanctions in case of non-compliance by the employer with their obligations in procedures of collective redundancies.

Thematic Group 4 “Children, families, migrants” - Conclusions 2023

▶ *Article 7§1 - Right of children and young persons to protection - Prohibition of employment under the age of 15*

- The prohibition of employment of children under the age of 15 is not guaranteed in practice in all forms of economic activity.
- Children under the age of 15 can work for 24 hours per week, during the school term, which is excessive and therefore, cannot be considered as light.

► *Article 7§3 - Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education*

The prohibition of employment for children subject to compulsory education is not guaranteed in practice.

► *Article 7§5 - Right of children and young persons to protection - Fair pay*

- The minimum wage paid to young workers is not fair;
- The allowances paid to apprentices are not adequate.

► *Article 7§10 – Right of children and young persons to protection - Special protection against physical and moral dangers*

- Not all forms of sexual exploitation of children are criminalised;
- A significant number of children are involved in child labour and hazardous work.

► *Article 8§4 - Right of employed women to protection of maternity - Regulation of night work*

Pregnant women, women who have recently given birth or are nursing who cannot perform night work and cannot be offered suitable alternative employment and are obliged to take leave are not entitled to 100% of their previous salary.

► *Article 8§5 - Right of employed women to protection of maternity - Prohibition of dangerous, unhealthy or arduous work*

Pregnant women, women who have recently given birth or who are nursing whose ordinary employment has been deemed unsuitable due to their condition and who cannot be offered suitable alternative employment and are obliged to take leave are not entitled to 100% of their previous salary.

► *Article 17§1 – Right of children and young persons to social, legal and economic protection - Assistance, education and training*

- Not all forms of corporal punishment are prohibited in all settings;
- Inspections in childcare institutions run by religious bodies are limited and children there are not sufficiently protected from violence and abuse.

► *Article 19§1 - Right of migrant workers and their families to protection and assistance - Assistance and information on migration*

Appropriate measures have not been taken against misleading propaganda in relation to emigration and immigration.

► *Article 19§4 - Right of migrant workers and their families to protection and assistance - Equality regarding employment, right to organise and accommodation*

- Migrant workers lawfully resident in the country are not treated equally to nationals with regard to accommodation;
- The right to equality regarding accommodation of migrant workers and their families is not subject to an effective mechanism of monitoring or judicial review.

► *Article 19§6 – Right of migrant workers and their families to protection and assistance – Family reunion*

- Social benefits are not included when assessing the income of the person requesting a permit for a member of his/her family;
- Accommodation requirements are so restrictive that they might prevent any family reunion;
- Family members of a migrant worker are not granted an independent right to stay after exercising their right to family reunion.

► *Article 19§10 - Right of migrant workers and their families to protection and assistance - Equal treatment for the self-employed*

The grounds of non-conformity under Articles 19§1, 19§2, 19§4, 19§6, 19§11 and 19§12 apply also to self-employed migrants.

► *Article 19§11 - Right of migrant workers and their families to protection and assistance - Teaching language of host state*

With the exception of migrants under international protection, the State does not adequately promote and facilitates the teaching of national language to all migrant workers and members of their families.

► *Article 27§2 - Right of workers with family responsibilities to equal opportunity and treatment - Parental leave*

The right to parental leave is not established as an individual right of each parent, a part of which is non-transferable.

The Committee also considered that the failure to provide requested information on Articles 7§5, 7§8, 17§1, 19§2, 19§6, 19§12, and 27§1 amounts to a breach by Georgia of its reporting obligations under Article C of the Charter.

The Committee has been unable to assess compliance with the following provisions:

Thematic Group 1 "Employment, training and equal opportunities"

- ▶ Article 1§1 - Conclusions 2020
- ▶ Article 1§2 - Conclusions 2020

Thematic Group 2 "Health, social security and social protection"

- ▶ Article 12§3 - Conclusions 2021
- ▶ Article 14§2 - Conclusions 2021

Thematic Group 3 "Labour rights"

- ▶ Article 4§2 - Conclusions 2022
- ▶ Article 5 - Conclusions 2022

Thematic Group 4 "Children, families, migrants"

-

II. Examples of progress achieved in the implementation of rights under the Charter

(non-exhaustive list)

Thematic Group 1 “Employment, training and equal opportunities”

► Law on the Elimination of All Forms of Discrimination, which was enacted by the Georgian parliament on 2 May 2014 and entered into force on 7 May 2014. Its purpose is to eliminate discrimination on various grounds including health and disability (Article 1). The law prohibits all discrimination, both direct and indirect (Articles 2 §2 and 2 §3), and also introduces the notion of positive action in the context of promoting gender equality and in certain specific cases involving, *inter alia*, disability.

Thematic Group 2 “Health, social security and social protection”

► The launching of a Universal Healthcare Programme in February 2013, by virtue of which the personal coverage of health care has been significantly extended, from 29.5% of the population in 2010, to 100% after 2013. The Universal Healthcare Programme covers the basic package of planned and emergency in- and out-patient clinical care, including oncology and maternity services (see information provided under Article 11 of the National Report).

► The extension, in 2013, of paid maternity leave from 126 to 183 days (and from 140 to 200 days in case of complications) and the increase of minimum maternity benefits from GEL 600 to GEL 1000 (€382 at the rate of 31/12/2015).

Thematic Group 3 “Labour rights”

► The provisions of the Labour Code with regard to collective redundancies were amended in 2020. According to the amended provisions, if the employer plans a mass dismissal, they are obliged to start consultations with trade union or workers’ representatives, within a reasonable time. Consultations should, at a minimum, include ways and means of preventing mass dismissals or reducing the number of employees to be dismissed, and the possibility of supporting laid-off employees to continue their employment or training. In addition, the employer is obliged to send a written notification to the relevant ministries including the Ministry of Labour, Health and Social Affairs, and to the employees whose employment contracts are terminated, at least 45 calendar days prior to the mass dismissal. The employer is also obliged to send a copy of the notification sent to the Ministry, to the trade union (or to the workers’ representative). The mass dismissal shall take effect 45 calendar days after the notification to the Ministry.

Thematic Group 4 “Children, families, migrants”

► According to Article 27 of the Labour Code, as amended by Organic Law of Georgia No.1393/ 2013, an employee (at her request) shall be granted maternity and childcare leave of absence of 730 calendar days. 183 calendar days of maternity and childcare leave of absence shall be paid. 200 calendar days shall be paid in the event of pregnancy complication or multiple births.

Appendix II: Vilnius Declaration



PRESIDENCY OF LITHUANIA
Council of Europe
May – November 2024

PRÉSIDENCE DE LA LITUANIE
Conseil de l'Europe
Mai – Novembre 2024



MINISTRY
OF SOCIAL SECURITY AND LABOUR
REPUBLIC OF LITHUANIA



European
Social
Charter

Charte
sociale
européenne



High-Level Conference on the European Social Charter *“a step by member States to take further commitments under the Charter”* 3-4 July 2024, Vilnius, Lithuania

VILNIUS DECLARATION

1. In the Reykjavik Declaration (May 2023), the Heads of State and Government of the Council of Europe confirmed that “[s]ocial justice is crucial for democratic stability and security” and “reaffirm[ed] their] full commitment to the protection and implementation of social rights as guaranteed by the European Social Charter system”. They proposed the holding of a high-level conference on the European Social Charter (ETS No. 35, (revised) ETS No. 163, “the Charter”) “as a step to take further commitments under the Charter where possible”.
2. At the 133rd Ministerial Session on 17 May 2024, the Committee of Ministers reiterated that social justice and the Council of Europe’s action on social rights play a crucial role for democratic stability and security. The Ministers restated their commitment to the European Social Charter system and, in their decisions, underlined the importance of the Charter and its monitoring procedures, and welcomed the organisation of a high-level conference.
3. Following the principles set out in the Vienna Declaration and Programme of Action (adopted in 1993 at the World Conference on Human Rights), all “human rights are universal, indivisible, interdependent and interrelated”. These rights include social rights, such as rights related to work, education, housing, social protection, health and well-being, and the human rights aspects of the environment. Combating inequality and social exclusion is vital for all, especially for disadvantaged individuals. It is also crucial for the implementation of the Sustainable Development Goals as defined by the United Nations 2030 Agenda for Sustainable Development.
4. The Council of Europe was established in the belief “that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation”. Social progress was enshrined in the Statute of the Council of Europe (ETS No. 1) as a cornerstone of lasting peace. The Russian Federation’s ongoing war of aggression against Ukraine has had both immediate and lasting fallout as regards the enjoyment of human rights, including social rights for Ukrainians and all persons affected, and, very significantly, for women and children. The repercussions were and continue to be felt across Europe and throughout the world, including on the global economy and trade, particularly with increases in the cost of living and worsening food insecurity.
5. Social justice and the respect for, and the protection and implementation of social rights, as guaranteed in particular by the European Social Charter system, are crucial for promoting democratic security and stability. It is also very important to respond to new or emerging challenges and avoid the risk of further erosion of social rights protection and increasing inequalities, in order to maintain social cohesion in our societies.

6. Through its monitoring, reporting and collective complaints mechanisms, the Charter provides effective governance inputs, through both the European Committee of Social Rights and the Governmental Committee of the European Social Charter and European Code of Social Security (“the Governmental Committee”), in the pursuit of social justice and the protection of social rights.

7. On the occasion of this High-Level Conference, which coincides with the 25th anniversary of the entry into force of the revised European Social Charter and the 75th anniversary of the Council of Europe, the representatives of Council of Europe member States:

- a. underline the importance of having a robust and responsive social rights framework across Europe, underpinned in particular by relevant treaty law, including the European Social Charter system. It is the collective duty of member States to promote respect for, and the continuing development of, social rights, both as human rights and also as vectors of economic growth, social progress and social cohesion, peace, security and stability;
- b. affirm that military aggression and breaches of peace are incompatible with States’ human rights obligations in general, and, in particular, with their social rights obligations; in this context, welcome the solidarity shown towards the people of Ukraine and the social protection offered by Council of Europe member States to those who are temporarily displaced;
- c. acknowledge the possibility offered by the Charter for States Parties to increase progressively their commitments aimed at respecting, protecting and implementing social rights, a process that can and should be further strengthened through constructive and enhanced dialogue between the competent national authorities and the organs of the Charter, together with social partners;
- d. welcome the commitment of member States of the Council of Europe to promote social justice and, in particular, the efforts made by member States to accept a high level of commitment to social rights, and the effective action taken by the States Parties to the European Social Charter to address the findings and conclusions of the European Committee of Social Rights when necessary;
- e. recall that the Council of Europe Development Bank, in line with its unique social mandate, contributes to strengthening social cohesion through projects with social value in its member countries;
- f. welcome the decisions adopted by the Council of Europe Committee of Ministers to improve the implementation of the Charter system and its monitoring arrangements. This includes an invitation to the European Committee of Social Rights to apply, where possible, the existing Charter provisions to new and emerging social policy challenges and to strengthen the role of the Governmental Committee in respect of follow-up and reflection;
- g. acknowledge the crucial role of national executives and legislatures in strengthening the protection of social rights through legislative action, in particular the part parliaments play in the ratification process of international treaties, and the acceptance of additional commitments under the Charter.

8. Consequently, the representatives of Council of Europe member States:

- a. commit to respect, protect and implement social rights in general and, for the States Parties to the Charter, to pay continued attention to the challenges and opportunities to implement the Charter’s requirements and, to this end, encourage States Parties to make full use of all available possibilities for enhanced dialogue between the organs of the Charter, States Parties and social partners;
- b. encourage member States to consider ratifying the revised European Social Charter (1996) in an effort, alongside the policy approaches of member States, to support the Council of Europe’s stated aim of facilitating economic and social progress;
- c. propose to keep under review the possibilities for acceptance of additional commitments under the Charter, including the collective complaints procedure;
- d. invite the Committee of Ministers of the Council of Europe to:

- i. enable further discussions with national as well as competent local and regional authorities, and social partners, in order to promote a rights-based approach to social policy and the sharing of knowledge and good practice in responding to persistent and emerging common problems and challenges. The following areas might be covered:
 - inequalities, low incomes and social exclusion, housing and demographic change;
 - any form of discrimination having an impact on the full enjoyment of social rights;
 - the social rights dimension related to the Reykjavik Declaration commitment “to [strengthen the] work on the human rights aspects of the environment”;
 - persistent and emerging challenges in the area of work, with the necessary attention being paid to freedom of association and collective bargaining, new forms of employment, the transition to a green economy, digitalisation, including the advent of artificial intelligence, technological change, work-life balance and, very significantly, the questions of participation and dignity (such as the protection against all forms of harassment, including sexual harassment) in the workplace;
- ii. give increased priority to co-operation activities in the field of social rights with a view to improving the implementation of the Charter in the light of the monitoring outcomes of the European Committee of Social Rights and related Committee of Ministers recommendations. The “social rights” component of the Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” 2023-2026, is an inspiring example of such activities;
- iii. ensure co-operation among Council of Europe entities and committees in the area of social rights, and continue to work together while exploring possibilities to increase co-operation with other international organisations as well as with the European Union in promoting social rights as guaranteed by the European Social Charter and its protocols;
- iv. remain open to considering possible measures for further optimising the Charter system;
- v. explore regularly the need to convene this High-Level Conference to address contemporary social policy challenges, also taking into account the expected outcomes.

APPENDIX III: Digest of the case law of the ECSR

Link: [DIGEST OF THE CASE LAW OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS](#)