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EUROPEAN SOCIAL CHARTER

16th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF GEORGIA

Articles 7, 8, 16, 17, 19, 29, and 31
for the period 01/01/2018 – 31/12/2021

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EUROPEAN SOCIAL CHARTER (REVISED)

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On the implementation of the Articles:

Article 7 - the right of children and young persons to protection

Article 8 - the right of employed women to protection of maternity

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

Article 17 - the right of children and young persons to social, legal and economic protection

Article 19- the right of migrant workers and their families to social, legal and economic protection

Article 29 - the right of workers with family responsibilities to equal opportunities and equal treatment

Article 31 - the right to housing

Article 7 – The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;

a) Please provide information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. In this regard, please provide information on the number of children actually working (either from existing statistics on this issue or from surveys to be conducted to obtain such information), as well as on measures taken to identify and monitor sectors

Within the framework of the 2019-2020 Labour Code reform in Georgia, large-scale amendments were made, which, among other aspects, impacted issues relating to minors' labour as well. On September 29 2020 the Parliament of Georgia voted for amendments to the Organic Law of Georgia “Georgian Labour Code” and adoption of the new Law of Georgia on “Labour Inspection”. Amendments to the Labour Code outstandingly strengthen the legal framework for the protection of the labour rights of Georgian workers by meeting the requirements of EU-Georgia Association Agreement and International Labour Organization. The amendments include:

- ✓ Prohibition of direct and indirect discrimination;
- ✓ The extended list of grounds for discrimination was,
- ✓ The principle of equal opportunities and equal treatment - provision on equal pay for equal work was introduced;
- ✓ Working time regulation (including weekly rest time and break time introduced, over time, working time for minors, etc.), Part-time and fixed-term work (differential treatment prohibited);
- ✓ Concept of Internship;
- ✓ Guarantees for employees in case of collective redundancies, consultations between parties, safeguarding of employees' rights during the transfer of undertakings, etc.
- ✓ Higher standards of maternity leave and parental leave;
- ✓ Information and consultation of employees, practical arrangements for information, etc.

Apart from that, the Georgian Labour Code defines that state supervision over labour legislation is ensured by the LEPL Labour Inspection functions, authority and power of which is guaranteed by the newly adopted Law of Georgia on Labour Inspection. Law of Georgia on “Labour Inspection” establishes an independent enforcement body, LEPL Labour Inspection Service and defines basic principles, authority and power of inspection, rights and obligations, and ensure effective implementation of labour norms. The ultimate goal of the Labour Inspection is to ensure effective implementation of labour provisions/norms, in particular, protection, enforcement and improvement of labour rights. The mandate applies to and is ensuring oversight of all labour rights determined by the Labour Code, Law on Public Service, including, forced labour and labour exploitation, execution of the agreements reached through labour mediation and OSH norms as determined by the Organic Law of Georgia on Occupational Safety. Therefore, for the Government of Georgia to give full effect to all the above-said amendments, a full-fledged Labour Inspection Service is in place as of January 1, 2021.

The functions and powers of the Labour Inspection Service are determined by the Law of Georgia on Labour Inspection of 29 September 2020 stipulating that the following administrative penalties can be used for violating labour provisions: Warning; Fine; Suspension of the work process. Suspension of the work process can also be used in case of violation of the provisions prohibiting child labour and/or forced labour ¹.

The Law also determines the rules and grounds for carrying out inspection and specifies that the Labour Inspection Service executes Inspection:

- a) Based on a complaint filed by the Interested Person.
- b) At its own initiative
- c) Based on a report of any identifiable person regarding the violation of the provisions of the Organic Law on Labour Safety.

Decision on carrying out inspection is made by the Chief Labour Inspector. While carrying out inspection, the labor inspector is authorized, in accordance with the Decree of the Government of Georgia "on approval of the rules and conditions for entering and inspecting the facilities subject to inspection"², to enter any workplace or work area subject to inspection, freely and without prior notice, at any time of the day or night ³.

During the reporting period 2018-2021, the Labor Inspection Service carried out about 4050 inspections at about 2,500 facilities comprising 512,000 employees.

In 2019, the Code of the Rights of the Child was adopted, which, along with other rights, provides for the protection of children from harmful forms of labour. The Law establishes the right of a child to be protected from work that prevents him/her from getting an education or is harmful to his/her health or physical, mental, moral, emotional and social development. At the same time, the law defines the state's obligation to designate an agency to which the child may apply in the case of a violation of his/her rights. As a result of the amendments implemented in 2020, the organic law of Georgia - Labour Code of Georgia designated the body responsible for supervising the execution of the labour laws, the legal entity of public law - Labor Inspection Agency (hereinafter – the Labour Inspection)⁴, which became operational from 2021 and which is authorized to carry out inspections at any time and in case of violations of obligations established by legislation to use sanctioning mechanisms⁵.

¹ LAW OF GEORGIA ON THE LABOUR INSPECTION SERVICE Art.20
<https://www.matsne.gov.ge/document/view/5003057?publication=0>

² <https://www.matsne.gov.ge/document/view/4796359?publication=2>

³ LAW OF GEORGIA ON THE LABOUR INSPECTION SERVICE Art. 13-16
<https://www.matsne.gov.ge/document/view/5003057?publication=0>

⁴ <https://lio.ge>

⁵ Labour Code Art.75-76 <https://www.matsne.gov.ge/document/view/1155567?publication=21#!>

The number of employees in the 15-19 age group has been recorded by the National Statistics Office of Georgia (Tables 1, 2)⁶.

Table 1

2020	<i>Thousand men</i>
<i>Employed</i>	14.9
<i>Hired</i>	9.3
<i>Self-employed</i>	5.7

Table 2

2021	<i>Thousand men</i>
<i>Employed</i>	10.3
<i>Hired</i>	5.6
<i>Self-employed</i>	4.6

Since 2014, for children living and working on the streets, **The LEPL Agency for State Care and Assistance for the (statutory) Victims of Human Trafficking (here in after The State Care Agency)** has been implementing a sub-program for providing shelter for homeless children within the framework of the "Social Rehabilitation and Child Care Program". The sub-program is a family and child support event to prevent the abandonment or separation of homeless children, psychosocial rehabilitation and integration, as well as the provision of safe housing. There are 8 mobile groups within the sub-program, consisting of a social worker, a psychologist, a co-educator and a driver. Mobile group activities include identifying children living and working on the streets, visit to their potential stays and workplaces. Finding the child's identification documents and in case of such absence - arranging; Organizing outpatient or inpatient services for children; Psychological services, etc. The Homeless Child Shelter sub-program includes day center services as well as day and night shelter services. Day center services includes activities such as catering, medical, outpatient or inpatient services; Implementation of individual service plans; Facilitate / provide inclusion in both formal and non-formal education for minors; As for day and night shelter services, it includes basic needs of the child; Providing medical care; Implementation of psycho-social rehabilitation measures for beneficiaries; Develop an individual service plan; Promoting biological family relationships.

From August 23, 2021, the State Care Agency in pilot mode launched a 24-hour emergency response mechanism, through which Mobile group work 24/7 on the issue of homeless children.

In 2018, the mobile groups working within the framework of a sub-program providing shelter for homeless children, established contact with **355** homeless children throughout Tbilisi, Rustavi and Kutaisi. 280 beneficiaries have used the Day Care Centre and 24-hour shelters, from which 36 were Roma.

Within the framework of group working on the educational needs, the Ministry of Education and Science of Georgia had provided special educational services at all the service centers under the aforementioned sub-program. In particular, special education teachers were allocated to Tbilisi and Rustavi Centers, where they had been working on enhancing the functional, academic and cognitive skills of the beneficiaries, in sum, 136 children were involved.

In 2019, the mobile groups established contact with **216** homeless children throughout Tbilisi, Rustavi and Kutaisi, 210 beneficiaries have used the Day Care Centre and 24-hour shelters, from which 24 were Roma.

In 2020, the mobile groups working within the framework of a sub-program providing shelter for homeless children, established contact with 234 homeless children throughout Tbilisi, Rustavi and Kutaisi. 227 children have used the Day Care Centre and 24-hour shelters.

In 2021, the mobile groups working within the framework of a sub-program providing shelter for homeless children, established contact with **221** homeless children throughout Tbilisi, Rustavi, Batumi and Kutaisi. 200 children have used the Day Care Centre and 24-hour shelters.

a) *If the previous conclusion was one of non-conformity, please explain whether and how the problem*

⁶ <https://www.geostat.ge/en/modules/categories/683/Employment-Unemployment>

was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

As for the Committee's Opinion 2019 regarding this paragraph, the legislative amendments did not affect the minimum age for employment, including the prohibition of employment of children under the age of 15 in all sectors of economy and all forms of economic activity; As a result of the amendments, the number of hours a minor between 16 and 18 years of age can work was specified: maximum of 36 hours per week and 6 hours per working day. And the number of working hours of a minor from 14 to 16 years of age should not exceed 24 hours per week and 4 hours per working day.

The total overtime work performed by minors shall not exceed 2 hours per working day, and 4 hours per working week⁷. The Labour Code does not contain provisions regulating the working hours of persons under the age of 14. As for RULES OF GEORGIA DEPARTMENT OF LABOR INSPECTION—CHILD LABOR REGULATIONS CHAPTER 300-7-1 CHILD LABOR—MINORS IN ENTERTAINMENT (source: Direct Request (CEACR) – adopted 2015, published 105th ILC session (2016); https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID.P13100_COUNTRY_ID:3249313,102639), This document is a legal act of the U.S. state of Georgia and has no connection with Georgia (see. <https://rules.sos.ga.gov/gac/300-7-1>).

Inspections conducted by the Labour Inspection Service in 2021 revealed no violation of the Labor Code norms regarding the labour rights of minors.

As for forced labor, a structural unit - Forced Labour and Labour Exploitation (Trafficking) Supervision Department was created within the Labour Inspection Service, due to the importance of the issue. In this direction, monitoring is actively being carried out throughout Georgia, which includes both planned and unplanned inspections. For the reporting period of 2021, 141 facilities were inspected for forced labour and labour exploitation (trafficking). No cases of forced labour of minors were detected.

2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the question(s) raised.

In its opinions for 2019, the committee indicated that the situation in Georgia did not meet the requirements of this paragraph of the Charter as there was no relevant agency to supervise the implementation of the norms related to the safe work of persons under the age of 18.

As it has been indicated in the previous reports, the labour legislation prohibits employment of children under the age of 15 for carrying out heavy, harmful and hazardous work. Order of the Minister of IDPs from the occupied territories of Georgia, Labour, Health and Social Protection of Georgia was developed on the basis of the 2018 Law on Occupational Safety and was adopted in 2020. The Order provides a list of heavy, harmful and hazardous jobs for persons under the age of 18". The mentioned order determines the list of the heavy, harmful and hazardous works, the performance of which is prohibited for a person under the age of 18, establishes recommendations and defines the duties of the employer regarding the work of minors, the procedure for conducting medical examinations and training⁸.

⁷ Labour Code Art. 24,27

<https://www.matsne.gov.ge/ka/document/view/1155567?impose=parallel&p1=21&p2=16&fullscreen=1&publication=21>

⁸ <https://www.matsne.gov.ge/document/view/5033680?publication=0>

For information on the Labour Inspection Service, see the comments to the first paragraph.

During the reporting period of 2018-2021, the Labor Inspection Service detected 2 cases of engaging minors in hard, harmful and hazardous work in the construction sector.

The labour inspectors informed company representatives on the spot about the regulations that were violated and the minors were taken out of the construction site, since the construction activity represents a heavy, harmful and hazardous activity involving a particularly high risk. The company was subjected to legal measures and a decision was made to suspend the work process.

3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education

According to the 2019 opinion of the committee, non-conformity has been established in relation to the above-mentioned paragraph. For information about the Labor Inspection Service and the number of working hours for minors is given in the comments to paragraph 1.

As for minors' leaves of absence, the labour legislation of Georgia does not contain any different norms regulating the use of paid leave of absence by minors who combine work with their studies. In particular, the Labor Code of Georgia does not define the right of minors to continuous leave of absence during school-free time (holidays). Minors are subject to general provisions applicable to all employees, according to which they can take advantage of paid leave for a duration of 24 working days and have the right to use their leave in parts or at a time, 11 months after their employment, and at any time during the year from the second year of employment.

During the reporting period, the Labor Inspection Service detected no violation of norms relating to the use of paid leave of absence.

4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training

Based on the Committee's Opinion 2019, non-conformity was identified and it consists in the fact that the supervisory agency does not carry out appropriate control over the labor activities of persons under the age of 18, and the mandate of the labor inspection was limited and was carried out only with the consent of the employer during the reporting period.

For information regarding the minors' working hours and labour inspection, see the comments to paragraph 7(1).

Inspections conducted by the Labuor Inspection Service in 2021 revealed no violation regarding the minors' working hours.

5. to recognize the right of young workers and apprentices to a fair wage or other appropriate allowances

a) Please provide updated information on net minimum wages and allowances payable to persons under 18 years of age. Please provide information on measures taken to ensure that fair remuneration is guaranteed to young workers:

- i) In atypical jobs (part-time work, temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers.)*
- ii) in the gig or platform economy and*
- iii) having zero hours contracts.*

The legislative amendments implemented in 2019-2020 did not affect the minimum wage. At the legislative level,

the concept of remuneration was defined in accordance with the European directives.

Statistical data on the remuneration of minors is not available.

b) Please provide information on measures taken to ensure that this right is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities, trade unions) (General question, Conclusions 2019).

Inspections conducted by the Labour Inspection Service in 2021 revealed no violation regarding the minors' right to remuneration.

c) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformitypending receipt of information, please reply to the questions raised.

Based on the Committee's Opinion 2019, non-conformity was identified and the Committee requested information on the minimum wage for young employees and apprentices. Information was also requested about "the state strategy for the formation of the labor market of Georgia and the action plan 2015-2018 for the implementation of the state strategy for the formation of the labor market of Georgia".

The state strategy for the formation of the labor market of Georgia and the action plan 2015-2018 for the implementation of the state strategy for the formation of the labor market of Georgia adopted on 26 December 2014 regulates issues relating to such activities as: creation/revision of the legal framework, introduction of international labour safety standards in Georgia, development of employment promotion services, promotion of employment of job seekers, regulation and management of labour migration of the workforce, strengthening of the social partnership institution, others. The aforesaid strategy does not envisage measures and activities related to the minimum wage. They are, however, provided for by the 2022-2023 Action Plan to the National Strategy of the Labour and Employment Policy of Georgia and involve discussing the economic feasibility within the framework of social dialogue and, if necessary, planning relevant activities based on the assessment of the impact of regulation.

Discussions on the minimum wage are conducted in a tripartite format, together with the social partners, within the framework of the action plans of the Tripartite Commission on Social Partnership. In 2021, the tripartite commission discussed the vision on determining the minimum wage presented by the Association of Trade Unions of Georgia. The commission considered it appropriate to continue the discussion in a tripartite format with the involvement of relevant experts. At the same time, work is underway on a pilot project to determine minimum wage and introduce it in the health sector.

As for the remuneration of apprentices, a draft document for regulating the implementation of the programme in the work-based learning form was developed in 2020: "Rules and conditions for the implementation, in the form of work-based learning, of a vocational education programme/a short-cycle education programme/a vocational training programme/a vocational retraining programme. This document was approved by Resolution N416 of the Government of Georgia of 9 August 2022 and regulates the implementation of the programme in the form of work-based learning. It was in this Resolution that for the first time the private sector was defined at the legislative level as an equal partner - an implementer and coordinator in the process of planning and implementing vocational education. The resolution defines a number of terms and concepts that clarify the institutional arrangement, coordination mechanisms, functions and types of implementation within the framework of work-based learning. It should be noted that work-based learning applies to all levels and types of vocational education. According to the Resolution, work-based learning envisages the achievement of some of the study results provided for by the programme in a simulated work environment and/or a real work environment. According to the Resolution, in dual VET, employment contract/contract on provision of works/services is signed between a VET student and an educational enterprise, which, among other things, provides for the performance of work related to the achievement of learning results by a VET student in the same enterprise and paying to him/her a respective remuneration.

Currently, there are more than 700 students with an active status enrolled in dual VET programmes.

The practice of paying the remuneration to apprentices varies widely. There are no uniform rates established by the state and the amount is determined by the contract signed with the employer.

6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Based on the Committee's Opinion 2019, non-conformity with paragraph 7(6) was identified. It should be noted that, as a result of the amendments made to the Labour Code in 2020, a new article was included - facilitating professional development, which applies equally to minors under 18 and to employees under any age category. According to article 22, Employers shall facilitate the upgrading of the qualifications of employees. According to the Labour Code, if a decision on an employee's participation in a vocational retraining, an advanced training, or other training course, is made by an employer, the employee's participation in such a course shall be included in working time and shall be paid⁹.

Inspections conducted by the Labour Inspection Service in 2021 revealed no violation regarding the right of minors under 18 to professional development.

7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019, the Committee deferred its opinion on paragraph 7(7) and requested clarification on the following issue: whether a person under 18, whose period of leave coincides with a period of his/her temporary incapacity to work, is entitled to take paid leave at a later time. According to the Labour Code of Georgia, a period of temporary incapacity for work shall not be included into the period of leave. Besides, a new provision was added in 2020, which stipulates that any norm in an employment agreement which either denies or ignores the right to enjoy paid leave annually shall be void.

According to the provisions of Article 4, paragraph 6 of Order N87/N of the Minister of Labour, Health and Social Protection dated 20 February 2009 ("on approval of the procedure for paying allowances during the period of temporary incapacity"), not only minors under 18, but also all employees have the right to use sick days accrued during the period of paid leave at any later time, after the end of temporary incapacity for work.

Inspections conducted by the Labour Inspection Service in 2021 revealed no violation regarding the right of minors under 18 to the use of paid leave.

⁹ Labour Code, Art 22 <https://www.matsne.gov.ge/document/view/1155567?publication=21>

8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In its Opinion for 2019, the Committee requested clarification of the provisions of the Labour Code regarding the employment of minors to night work. According to the Labour Code of Georgia, employing minors to night work shall be prohibited, and this prohibition shall apply to all sectors.

The exemption provided for under the same paragraph, which makes the employment to night work conditional on the consent of the employed shall only be applied to persons with disabilities or persons who have children under the age of 3¹⁰.

Night time shall mean the period between 22:00 and 6:00.

Based on the amendments made in 2020, a night worker shall be any worker who during night time works at least 3 hours of his/her standard working time as a normal course, and any worker who works during night time a certain proportion of his/her annual working time. The proportional rate of night work to annual working time is determined by the Minister of IDPs from the occupied territories of Georgia, Labour, Health and Social Protection of Georgia¹¹ and constitutes at least one-fourth of the annual working time.

Inspections conducted by the Labour Inspection Service in 2021 revealed no violation regarding the employment of minors under 18 to night work.

9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

The Committee's opinions for 2019 concerned the initial and subsequent periodic medical examination of persons under 18 years of age employed to perform activities defined by the national legislation.

As mentioned in the comments to paragraph 2 of this article, on 30 November 2020, the Order of the Minister of IDPs, Labor, Health and Social Protection from the occupied territories of Georgia "on approving the list of heavy, harmful and hazardous jobs for persons under the age of 18" was approved. The order provides a list of heavy, harmful and dangerous work, the performance of which is prohibited for a person under the age of 18, establishes recommendations and defines the duties of the employer regarding the work of minors, the procedure for conducting medical examinations and training.

According to the order, all work to be performed by a minor is subject to risk assessment in accordance with the established procedure, as well as to regular monitoring of the state of health, work environment and work process.

¹⁰ Labour Code, Art.28 <https://www.matsne.gov.ge/document/view/1155567?publication=21>

¹¹ Order N01-79/6 <https://www.matsne.gov.ge/document/view/5251745?publication=0>

Article 4 of the Order stipulates that before starting work and thereafter, every year, until reaching the age of 18, a minor is subject to preliminary and periodic medical check-up in order to determine whether there is a delay in his/her development process, damage to his health, whether he/she is able to work, and whether his/her functional abilities match professional requirements, in accordance with the legislation of Georgia.

During periodic check-ups (or earlier, in case of deterioration of health status), a medical report is issued on the ability (or inability) of a minor to continue working, or a recommendation is made on his/her further employment on a rational basis.

Minors who have not undergone a preliminary medical examination, and who have not been issued a health status report, will not be allowed to work.

Information on the violations detected is provided in the comments to paragraph 7(2).

10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work

a) Please provide updated information on the measures taken to strengthen the protection of children, including migrant, refugees, and displaced children, from sexual exploitation and abuse (in particular in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.

Measures taken to Combatting child sexual exploitation crimes

In order to ensure children's rights and provide protection and assistance mechanisms (including rehabilitation services to affected children), as well as for prevention of sexual exploitation of children and for providing the rehabilitation services to affected children, a national human rights strategy and its action plan were developed. For fulfillment of the obligation provided for in the action plan, mobile inspection groups staffed by law enforcement agencies were formed and started operating within the country. Work of these mobile groups aims to check/study the persons' belonging to the risk group of trafficking, as well as checking the places where the cases of child trafficking and human trafficking (trafficking) could take place. In order to prevent, detect and document the facts of trafficking, the Division for Combatting Human Trafficking and Irregular Migration of the Central Criminal Police Department of the MIA carries out following operational-investigative activities:

- ✓ Institutions containing the risk of trafficking, in particular those places for prostitution are systematically transferred to individuals are identified and registered (unified databases were created and are constantly updated), in order to determine whether those places are used for sexual exploitation of children. Moreover, information regarding the owners, managers and persons working in those institutions, as well as the identification of demographic data of persons involved in prostitution is subjected to inspection and studding;
- ✓ Interviewing of the people involved in the prostitution in bars, hotels/saunas, as well as determination whether or not they carry identification cards is carried out. In particular, their age is determined; estimation of whether they are fully paid for sexual services and whether they engage in prostitution voluntarily is conducted;
- ✓ In order to reveal the cases of alleged trafficking committed against them, the interviewing process of citizens deported from foreign countries are systematically carried out and individuals who took Georgian citizens abroad for employment purposes are identified. Such interviewing and checking processes aim to protect and prevent children from sexual exploitation, during traveling and for the period of being tourist;

- ✓ Surveying and studying processes of the persons belonging to the risk groups, in particular children living in the streets (homeless children) and identification of them, informing them on the issues of child trafficking, forced labor and sexual exploitation is carried out. Mobile groups are actively checking the gathering places of homeless children and determining whether they are involved in anti-social activities, prostitution and whether anyone is persuading them to beg;
- ✓ Operational monitoring of children working on the street is carried out and detection of whether they are self-organized or whether they are used as subjects of organized crime;
- ✓ It is actively determined whether minors are involved in forced labor, including in the agricultural sector, family farms, and any other business establishments. Furthermore, it should be mentioned that the Division for Combatting Human Trafficking and Irregular Migration of the Central Criminal Police Department of the MIA and the Cybercrime Division of the same department have been included in the Interpol ICSE database (International Child Sexual Exploitation Database) since June 2021.

Measures to Combat crimes against sexual freedom and integrity involving minors

On March 17, 2020, the Law of Georgia on Combating Crimes against Sexual Freedom and Inviolability was adopted, granting the court authority to deprive a person convicted of committing a crime against sexual freedom and inviolability (including against minors) certain civil rights with a guilty verdict. In particular, according to the new law a person may be restricted from working at an early and pre-school educational institution, school, shelter/crisis center for victims of violence against women or domestic violence, as well as the a person may be restricted the rights to exercise medical and to transport passengers (including public transport), as well as the right to be in a library designated for minors, a children's entertainment center, an institution providing any kind of educational/learning services for minors, etc.

Monitoring process of persons convicted of crimes against sexual freedom and inviolability is carried out by the Ministry of Internal Affairs of Georgia. In particular, a registry of convicted persons and persons deprived of these rights was created. The registry is produced for the purpose of crime prevention and in order to facilitate the identification process of the perpetrator in the event of reoffending the crime. In addition, the control mechanisms with regard to the convicted person/person deprived their rights were prescribed. These mechanisms include supervision on the prohibition of the person's employment, pre-arranged or uncoordinated visit to his residential address or workplace, conducting an interview with those persons and etc.

Protection of child migrants and asylum seekers from sexual exploitation and abuse

The law of Georgia on International Protection defines categories of persons with specific needs: a minor, unaccompanied minor, an elderly, a person with disabilities, a pregnant woman, a single parent, a victim of trafficking, a person with a serious mental and/or physical illness, a person with post-traumatic disorder, a victim of torture, rape, or psychological, physical, or sexual violence, as well as other persons requiring special procedural guarantees in order to enjoy the rights and fulfil obligations provided for by the Law.

The Asylum Procedure ensures prioritized reception, registration and review process in case of persons with specific needs. There are specialized officials at the Migration Department who work on the cases of persons with specific needs, such as minors, unaccompanied minors, victims of trafficking, sexual violence, etc. The specialized officials take part in various thematic trainings, study courses, workshops and study visits on topics such as: psychological, emotional, physical development and behavior of child, etc.

An asylum seeker who states that he/she has been a victim of torture or inhumane or degrading treatment or sexual violence, or who shows signs thereof, shall have access to relevant medical and psychological assistance prior to the review of an application for international protection. Upon identification of person with specific need, relevant referral procedure is guaranteed in cooperation with the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

In addition to this, in relevant circumstances, Migration Department also contacts LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking.

Additionally, an act of physical or psychological violence or sexual violence in the country of origin are amongst the categories of harms that amount to persecution, subject to grant international protection under Georgian asylum legislation.

Enactment of guidelines for law enforcement officers with regard to the investigation of child sexual exploitation and abuse cases

In 2021, the guidelines on national juvenile justice law, practice and psychological aspects were developed for investigators. The guidelines describe in detail the standards for investigating the cases of human trafficking and interviewing/interrogation of alleged victims (affected persons) of the crime, especially minors, informing the alleged victim (affected persons) of their rights and legal guarantees, and offering the use of state services. In the guidelines, special importance is attached to the need to take into account the signs of trafficking when considering cases related on the bases of Articles adjoining to the trafficking crimes (for example, engaging in prostitution). This serves to conduct proactive investigations and is aimed at identifying possible victims of human trafficking (trafficking). It should be noted that in the process of developing the guidelines, the international legal acts such as: Additional Protocol of the United Nations Convention on Combating Transnational Organized Crime "On Preventing, Suppressing and Punishing Trafficking in Persons, Especially Women and Children", United Nations Model Law against Trafficking in Persons, Council of Europe Convention on Combating Trafficking in Human Beings and Decisions of the European Court of Human Rights were considered.

Moreover, the standard operating procedures for the investigation of the facts of sexual abuse against a child were approved by the Order of the Minister of Internal Affairs of March 25, 2022. The purpose of the standard operating procedures is to conduct the investigation into the crimes committed against sexual freedom and inviolability in the framework of Barnahus - a center of psychological and social services for children who are victims of violence, in such a way as to ensure child-friendly criminal justice process for minors. In addition, the Human Rights Protection and Investigation Quality Monitoring Department of the Ministry of Internal Affairs has trained 248 police officers including investigators and heads of units, who are already certified in the field of investigation of crimes against sexual freedom and inviolability, throughout Georgia. The purpose of the training program was to provide the investigators of the MIA with complete knowledge with regards to the effective investigation of sexual violence cases, both on the legal part and on the psychological aspects, as well as, on the peculiarities of the victim interviewing process, the essence and importance of the victim oriented approach.

Trainings of law enforcement officers on child sexual exploitation and abuse

The educational programs implemented in the Academy of the Ministry of Internal Affairs of Georgia provide trainings on the topics of protection of children and youth, migrants and families. Above-mentioned topics present a constituent part of various training courses. In 2019, the Academy Ministry of Internal Affairs Academy created a manual on human trafficking, which is taught to police officers in order to easily detect and identify victims of trafficking. The course on "Police and minors/homeless children in the streets" involves teaching from the point of view of the rights of a child, in particular important issues such as:

- ✓ child protection application (referral) procedures;
- ✓ child protection application (referral) system;
- ✓ Entities involved in referral procedures and their powers;
- ✓ Detection of cases of child abuse;
- ✓ On-site assessment of child abuse incidents/calls; transfer of the child to a safe environment;
- ✓ Actions to be taken by the agency in cases of the establishment of the fact of violence or the identification of a found/abandoned and homeless child;
- ✓ Specialization in juvenile justice process and peculiarities of conducting particular investigative actions;
- ✓ General principles and regulations of juvenile justice process; the role of the state in the field of protection of the rights of minors;
- ✓ The essence and concept of the best interests of the minor;
- ✓ Placement and withdrawal of a person in a specialized institution;
- ✓ Placement of child in a specialized institution, procedures and subsequent documentation;

- ✓ Making a decision on placement of a person in an institution; Restriction on placement a person;
- ✓ Temporary withdrawal of the beneficiary from the institution; Withdrawal of the child from the institution.

Furthermore, trafficking issues are covered within the curriculum of **Special professional educational program for the training of border guards of the Land Border Defense Department of the Border Police and Special professional educational program for the training of border-controllers**. Courses cover various topics, such as:

- Human trafficking and illegal smuggling of human beings;
- Contributing factors and causes;
- Stages and methods of the crime;
- Competence of state bodies;
- Intra-state trafficking;
- Route taken by traffickers;
- Identification of the alleged victim;
- Indicators and interviewing process;
- Referral mechanisms for victims of trafficking;
- Identification of trafficking victims.

In 2021, the process of specialization of investigators on sexual crimes was initiated within the MIA. The relevant training program was developed within the framework of close cooperation between the Council of Europe, UN Women, "Equality Now" and the MIA. Training program aims to improve the knowledge and skills of the investigators of the MIA in order to provide effective investigation of sexual violence cases, use of victim-oriented and human rights-based approaches and effective preparation of cases for their criminal prosecution. The training program also covers the guidelines (both, theoretical and practical aspects) for interviewing victims of sexual violence, especially minor victims, as well as, it includes introducing investigators to the internationally proven PEACE methodology for victim interviews, which is based on best practices for police investigative interviews and is developed in England, in the early 1990s. About 240 investigators from various territorial and structural units of the Ministry have already completed the specialization course on sexual crimes. Training will be systematic so that all relevant units of the MIA could be provided with sufficient resources of specialized investigators.

In addition, the Human Rights Protection and Investigation Quality Monitoring Department of the Ministry of Internal Affairs has trained 248 police officers including investigators and heads of units, who are already certified in the field of investigation of crimes against sexual freedom and inviolability, throughout Georgia. The purpose of the training program was to provide the investigators of the MIA with complete knowledge with regards to the effective investigation of sexual violence cases, both on the legal part and on the psychological aspects, as well as, on the peculiarities of the victim interviewing process, the essence and importance of the victim-oriented approach.

Moreover, by 2022 year, the Ministry plans to increase the number of trainers of the Academy of the MIA, to develop educational materials, as well as, with the support of the "Council of Europe" to create of a simulation video on conducting interviewing process. Furthermore, in accordance with the challenges identified in the practice and in order to raise the qualifications of specialized employees, preparation process of special trainings on the investigation of violence against children is underway.

Apart from that, Combating Trafficking in Human Beings (THB) is one of the key priorities for the Government of Georgia. Georgian counter-trafficking policy is based on so-called "4P" principles and Government of Georgia is committed to take efficient measures to enhance Prevention, Protection, Prosecution and Partnership.

In this context, the Inter-Agency Council on Combatting Trafficking in Human Beings (*hereinafter* – Inter-Agency Council)¹² remains indispensable in adopting serious and sustainable measures on combating THB. The

¹² <https://justice.gov.ge/?m=articles&id=J8ScpS4H8u>

Inter-Agency Council is the main policy-shaping body, which coordinates and monitors the implementation of anti-trafficking responses in Georgia. Inter-Agency Council is chaired by the Minister of Justice of Georgia and brings together all relevant line-ministries, governmental and non-governmental and international partners,¹³ as well as Public Defender's office. The Secretariat of the Inter-Agency Council is the Public International Law Department of Ministry of Justice of Georgia, which provides the technical and substance wise support to the Council.

Reiterating an important role of Interagency Coordinating Council, in every two years it elaborates and approves the National Action Plans (NAP) on Combatting Trafficking in Human Beings. Since its creation the Inter-Agency Council adopted 8 NAPs for 2007-2008, 2009-2010, 2011-2012, 2013-2014, 2015-2016, 2017-2018, 2019-2020 and 2021-2022. The last and current NAP for 2021-2022 was adopted on 2 December, 2020. The THB NAPs are based on 4P principles and reflect most of EU, US, UN and CoE (GRETA) treaty body & special rapporteurs' recommendations. The NAP for 2021-2022 is publicly available in Georgian¹⁴ and English languages¹⁵ at the official website of the Ministry of Justice of Georgia. The Secretariat of the Inter-Agency Council permanently monitors the implementation process of the NAP. The implementation reports in Georgian are publicly available at the official website of the Ministry of Justice of Georgia.¹⁶ The NAP activities are mainly conducted through state budget or financial support of international organizations (EU, INL, IOM, ICMPD, OSCE/ODIHR).

Upon the initiative of the Secretariat of the Inter-Agency Council¹⁷, implementation progress of the NAP for 2017-2018 and the year of 2019 for the NAP of 2019-2020 was evaluated by independent experts recruited by ICMPD and EU. The evaluation report is available in Georgian¹⁸ and English languages¹⁹. That was the first time when the implementation of the National Action Plans was assessed by the external evaluators.

It is worth mentioning that Georgia is in Tier 1 according to the 2016, 2017, 2018, 2019, 2020, 2021 and 2022 US Reports on Trafficking in Human Beings and shares leading position among other western countries, including the EU member states. It should be underlined that according to the latest US THB reports only Georgia takes the position in Tier 1 comparing to other EAP states.

OSCE ODIHR has chosen the Georgian Anti-Trafficking national referral mechanism as one of the successful and reflected it in the revised Practical Handbook on National Referral Mechanisms of OSCE/ODIHR published in 2022.

According to the Global Slavery Index 2018, the Government of Georgia was placed among those ones that have been taking the most effective actions to end human trafficking. Specifically, Georgia holds the 15th position among 167 countries (in 2016 it took 17th position). According to the same source, when it comes to the regional level Georgia ranks 1st in terms of strong governmental counter-trafficking responses.

– **Prevention**

Georgia considers public awareness raising campaigns on trafficking as one of the essential crime-preventing measures. For the effective implementation of the preventive measures, Inter-Agency Council adopted Common Information Strategy on combating trafficking with specially identified vulnerable target groups, regions and implementation means on February 12, 2014 which is quite unique in our region.

Within the framework of the Strategy information meetings with different target groups such as pupils, students,

13 EU Delegation to Georgia, Council of Europe Delegation to Georgia, US Embassy to Georgia, UNICEF, USAID, IOM, ICMPD, NGO Tanadgoma, NGO Civil Development Agency, NGO Anti-Violence Network, NGO Georgian Young Lawyers Association.

¹⁴ <https://justice.gov.ge/files/OI92CuklquLv.pdf>

¹⁵ <https://justice.gov.ge/files/YBKNDy64sqe3.pdf>

¹⁶ <https://justice.gov.ge/?m=articles&id=2IY5ZDNY24>

¹⁷ Public International Law Department of the Ministry of Justice of Georgia

¹⁸ <https://justice.gov.ge/files/OI92CuklquLv.pdf>

¹⁹ <https://justice.gov.ge/files/YBKNDy64sqe3.pdf>

children in street situations, journalists, employees and employers, minorities and rural population is organized every year throughout Georgia.

TV and radio shows and advertisements are frequently devoted to THB issues and information leaflets (on Georgian, English, Russian, Azerbaijani, Armenian and Turkish languages) are largely being disseminated in big cities and rural areas, at state borders and consular units.

Moot court competition on Trafficking in Human Beings for students is also annually organized by Ministry of Justice in close cooperation of relevant Governmental Agencies and International Organizations (EU, ICMPD).

Georgia also prioritizes prevention of trafficking through enhancement of education in secondary and high schools. In this regard, issues related to human trafficking is largely covered by the national curriculum. Memorandum of Understanding was concluded between Tbilisi State University (TSU) and Migration Commission headed by the Minister of Justice of Georgia with the aim of cooperation on the issues of migration which also covers THB. TSU is biggest research institute in Georgia, and provides master program in public international law, that includes two-semester practical and theoretical course on THB.

– **Effective and Proactive Investigation**

Reinforcing proactive identification of the victims is one of top priorities for Georgian Government. Therefore, 6 inspection mobile groups composed of representatives of law enforcements agencies (detective-investigators) under the Ministry of Internal Affairs regularly operate in the high-risk areas. They also monitor persons and organizations which offer employment in or outside of the country; organizations which ensure transportation for persons leaving the country; travel agencies; enterprises which employ foreigners, organizations and persons provided visa assistance; they interview Georgian nationals deported from Turkey and European countries with a view to revealing potential THB cases.

Since 2014 special Task Force consisted of highly qualified investigators and prosecutors has been operating in Adjara Region. Like the mobile groups, Task Force also proactively checks the risk places, interview the employees there and in case of any suspicion, investigates and prosecutes human traffickers. The law enforcements are permanently trained. They use special Guidelines and Standard Operation Procedures (SOPs) for effective revealing the THB cases.

In addition, aiming at proactively identification of THB victims among the migrants and asylum seekers, on 19 December 2017 the THB Council also approved the Guidelines on Identification of Victims of Trafficking in Human Beings at the Border of Georgia (border crossing and customs crossing points, land and coastal border). These Guidelines were adopted for border police officers and Customs officials and sets forth indicators of alleged victims and standards of interrogation/interview of THB victims, including minors and to whom to refer for assistance of alleged victims.

The Ministry of Internal Affairs also closely cooperates with Agency for State Care and Assistance to (Statutory) Victims of Human Trafficking in order to prevent and reveal the facts of buying or selling of minors or any other unlawful transaction with respect to minor for the purpose of their adoption. Relevant law enforcements study the cases of adoption and interview adoptive and biological parents.

Labor inspection system is an essential element to combat labor trafficking. LEPL Labor Inspection Office under the Ministry of IDPs from Occupied Territories, Labor, Health and Social Affairs has a major role in this field since 2015. The Labor Inspection Office consisted of 90 labor inspectors carrying out planned and unplanned inspections of companies to monitor labor conditions. In order to effectively investigate the forced labor cases, under the “Memorandum of Mutual Cooperation on promotion of detection of cases of trafficking in human beings” between the Labor Inspection Office and Ministry of Internal Affairs of Georgia signed on August 13, 2015, Labor Inspection Office promptly shares information and reports the possible cases to the Ministry of Internal Affairs. Labor inspectors use special guidelines on forced labor and labor exploitation elaborated in 2021. They are also permanently trained to further improve their skill in detection of labor exploitation cases.

- Partnership

In terms of partnership, Government of Georgia prioritizes enhancement of cooperation with non-governmental sector. For that aim, memorandums of understanding are concluded with local and international NGOs regarding the providing services for THB victims, promotion of the capacity building of law enforcements to enhance their knowledge and skills of combating the crime.

Civil society sector is actively involved are consulted in drafting any THB-related legislative amendments and policy documents.

GOG also closely cooperates with its partner states through diplomatic and consular relations and within the framework of police cooperation and mutual legal assistance in criminal matters. Georgia has concluded police cooperation agreements/memorandums with more than 30 states. Georgia also cooperates with partner states within the EUROPOL and EUROJUST since 2018 and 2019.

-National Referral Mechanism

While detecting the THB cases and identifying the victims of THB, law enforcements are following to the detailed instructions provided under National Referral Mechanism on Human Trafficking (Referral Mechanism). The Referral Mechanism was adopted upon a Governmental Decree №284 on Identification of a Victim and Granting a Status of Trafficking in Human Beings²⁰ and foresees the detailed instructions how to identify the potential victim, to refer to the relevant institution and to provide the victim with assistance in accordance with his/her individual necessity.

It should be clarified that the Referral Mechanism ensures two possible ways in order a person to be involved in state run services. Georgian law differentiates status of victim of trafficking and status of statutory victim of trafficking. The status of victim of trafficking is granted to the person by Permanent Group (consists of 3 local NGOs and 2 international organizations (IOM and ICMPD) of Inter-Agency Council within 48 hours based on the special questionnaire of mobile group of the Agency for State Care while the status of statutory victim of trafficking is granted by law enforcement authorities in accordance with Criminal Procedure Code of Georgia. A person enjoys the services of Agency for State Care after he/she is granted the status of victim/statutory victim. The aim of the two statuses is to ensure victim-centered approach and in case he/she does not want to cooperate with law enforcements, to offer different way/procedures for enjoying the state funded services. Regardless to the difference in the procedure of granting the status, there is no difference between their rights during the process of investigation, prosecution and/or protection.

In 2021 The Special Guidelines for mobile groups and Permanent Group responsible for Identification of the THB victims was elaborated as well as the abovementioned questionnaire was updated with the support of EU and ICMPD.

- Protection

As for the state-run services since 2006 the Agency for State Care provides the victims/statutory victims with the following services: a) Shelters (in Tbilisi and Batumi); b) Legal aid; c) Physiological and medical assistance; d) Rehabilitation and reintegration measures, e) one-off state compensation (1000 GEL). The victims of trafficking as well as statutory victims may stay in shelter for 3 months; however, this term might be extended in certain circumstances based on the will of (statutory) victim and order of the Director of the Agency for State Care. The shelters for THB victims/statutory victims are well equipped to receive minor victims of human trafficking as well as dependent minors (aged under 18). When such a need arises, they are also entitled to receive the appropriate accommodation, age specific education and support programs tailored to their needs. In August 2015 Agency for State Care amended the internal regulations of each shelter (Tbilisi and Batumi) and introduced the service of babysitter/caretaker to further enhance the protective and assisting measures for the minor beneficiaries of the Agency for State Care.

²⁰ Available in Georgian at: <https://www.matsne.gov.ge/document/view/2319251?publication=0>

New Child Protection Referral Mechanism was adopted on September 12, 2016. Unlike the previous referral instrument which was adopted by the heads of three line ministries (Minister of Internal Affairs, Minister of Healthcare, Minister of Education), the new one is upgraded to a higher level and has been approved by the Government of Georgia. The Child Protection Referral Mechanism expanded the responsible entities for referring child violence cases to the relevant agencies. In particular, all governmental institutions and their structural units, LEPLs, medical institutions and local municipalities have become obliged to refer the possible case of child violence to the Agency for State Care and the police. The failure to report such cases to the relevant state bodies by persons involved in the child referral mechanism will invoke administrative liability. Based on the new Child Protection Referral Mechanism, all involved agencies approved internal instruction.

On 14 April, 2021, the legislative amendment with regard to one-off State Compensation (1000 GEL) came into force simplifying the procedures for granting the State Compensation. According to the amendment made in the Anti-Trafficking Law, THB victim/statutory victim can get the one-off compensation directly without referring to the court. Before, victims/statutory victims of human trafficking had the right to request one-off compensation from Agency of State Care in case it was impossible to get compensation from the offender through the court. This amendment also applies to those victims and statutory victims who were granted the status before its adoption.

In addition, due to the amendments made to the Criminal Procedure Code of Georgia on June 22, 2021, during the investigation process, the investigator has been authorized to appoint a Witness and Victim coordinator in the criminal case by his/her own decision before the case is taken to the court.

On 17 September, 2020 Government of Georgia approved the concept of a psychological-social service center for children victims of violence. The concept of the service center ensures the establishment of the center where all kind of services will be available for children victims of violence in one place (so-called barnahus model). This service center for children victims of violence has already been established in Tbilisi and Kutaisi under the Agency for State Care. During 2021 the service center operated in a pilot mode and its goal was to prevent secondary victimization of a child victim of sexual abuse in the best interests of the child. The project was implemented with the financial and technical support of the United Nations Children's Fund (UNICEF). Since 2022 the service center is already operational in Tbilisi, Georgia.

Apart from the services of the Agency for State Care, victim and witness coordinators, who are employees of Prosecutor's office of Georgia and participants of the criminal proceedings according to the Criminal Procedure Code of Georgia, can be involved in human trafficking cases and offer psychological help to the victims in order to make their communication with the law enforcement agencies more convenient. They are involved in National Referral Mechanism.

As a priority, the coordinators are engaged in particular sort of cases, including human trafficking. In addition, they are engaged in cases in which a victim and/or a witness is a juvenile or a person with disabilities, in which a victim/witness suffered grave physical or mental damage and/or in cases when stress induced by the crime complicates communication with a victim/witness.

In order to efficiently support a witness and a victim, coordinators acquaint with their primary needs, provide basic psychological assistance, submit information on services available to them and help them to benefit from those services, be it provision of shelter, medical or legal assistance, or support related with employment or enhancement of personal or professional skills. Coordinators attend investigative actions carried out with the involvement of a victim, in-camera hearings and submit information in a language which he/she understands, about the ongoing proceedings and their rights; they also help victims to handle stress caused by the crime and ensure prevention of their re-victimization.

Additionally, witness and victim coordinator service functioning within the Ministry of Internal Affairs supports witness and victim throughout the process of investigation, ensures prevention of re-victimization and secondary victimization, provides them relevant information at the investigation stage and help them in efficient

cooperation/communication with law enforcement bodies.

Except as the above mentioned the aims of the State Care Agency include: Protection, assistance and rehabilitation of the victims/statutory victims/alleged victims (both adults and minors) domestic violence and/or violence against women and/or sexual abuse and/or of human trafficking. The authority of the State Care Agency is identifying the fact of violence against children and detection of potential victims of violence, protect rights and assistance, Participates in the issuance of the protective order, and Monitors the execution of Protective and restraining.

The State Care Agency intervenes with juvenile victims of sexual violence with the involvement of various specialists. Social workers, along with other professionals involved, assess the juvenile, his or her family, and the environment, using holistic and systematic approaches, identifying, evaluating, and planning both biological and psychological and social aspects. Children who are victims of sexual violence because they have experienced stress and have a traumatic experience, need active support , reinforcement, and need to involve a psychologist in the process of working with them. The social worker, as case's manager, psychologist, and other involved specialists discuss, individually assess the juvenile's needs, and considers the child's wishes and future visions.

In the process of working with a minor, depending on his or her interests and needs, there may be a need to change the form of care, the need for alternative care or return to the biological family, Involved specialists, based on sharing the child's opinion and desire, discuss and make decisions about the next steps. The specialists involved consider important aspects, Such as safety, a tailored environment, avoiding retrauma, and more. In the event of a return to the biological family, family members are counseled, assisted and are improved for support, reinforcement, and stimulation mechanisms.

In 2021, 1904 appeals were made on the issue of children violence, 618 cases of violence have been confirmed. Because of violence 72 children were transferred to state care.

In 2022, Psychological-social service center for minors who are victims of sexual violence was launched in Tbilisi. The center soon will be close to Barnahus model, which is a child-friendly, multidisciplinary and interagency model for responding to child violence and witnesses of violence. The purpose of Barnahus is to offer each child a coordinated and effective child protection and criminal justice response, and to prevent traumatisation and retraumatisation during investigation and court proceedings. From March 2022 until today, 80 minor receive the services of the mentioned center.

b) Please provide information on the impact of the Covid-19 pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms.

The work of the units of the MIA, especially the ones that are working detecting and fighting against any kind of violation/crime, has not been hindered. All of the units, including anti-THB units are fulfilling their obligations prescribed by the law according to COVID-19 related regulations and therefore, the MIA continues to combat trafficking cases.

During the COVID-19 pandemic, crime shifted to the Internet, which was a new challenge for laenforcements. Nevertheless, the Ministry of Internal Affairs started monitoring online platforms and as a result of prevention and inspection, identified a site promoting prostitution. The founder was prosecuted and the online site was blocked. Currently, similar sites have been identified and now cases are under investigation.

Because of the spread of COVID-19 in the country, for the purposes of preventing and to avoid delays in court hearings, the Prosecutor's Office of Georgia has been actively involved in the remote hearings of criminal cases in all stages since March 22, 2020. All offices of the Prosecutor's Office of Georgia have been equipped with the appropriate technical equipment and software, allowing prosecutors to remotely engage in criminal proceedings and support state prosecution from prosecution offices.

To ensure the stable and uninterrupted administration of the courts during the pandemic, on 1 December 2020, the High Council of Justice (HCJ) adopted the Recommendations for the Common Courts of Georgia in line with the relevant ordinances of the government bodies. According to the recommendations, unnecessary movements

inside the court buildings were restricted and recommendations of the World Health Organization have been implemented. These measures enabled the courts to remain open and continue to operate at normal capacity.

The hearings at the courtrooms were conducted in line with the aforementioned recommendations of the HCJ. Additionally, in order to prevent the spread of COVID-19, the courts continued conducting hearings remotely via technical means, whenever the procedural law allowed to do so. Since January 2022 only small number of hearings were conducted remotely via technical means, when the procedural law allowed to do so. The majority of hearings were conducted at the courtrooms, in line with the aforementioned recommendations of the HCJ and the government ordinances.

In the beginning of pandemic, the agency for State Care took into account the safety of the beneficiaries of the shelter/crisis centres. By order of the Director of the Agency, the procedures necessary to protect the health of the beneficiaries were approved taking into account the recommendations of WHO and National Centre for Disease Control.

- ✓ The movement of outsiders was regulated;
- ✓ Recommendations of health protection protocols and hygiene rules were developed and implemented in the buildings;
- ✓ The Agency for State Care, with its own resources, with the support of the Ministry of IDPs from the Occupied Territories, Labor, Health and Social Affairs of Georgia and donor organizations, provided shelters and crisis centers with protective and disinfectant facilities. A base of a certain amount of the required medicine was created in shelters.
- ✓ A special questionnaire has been developed to identify risks before receiving a new beneficiary and, if necessary, take temporary isolation measures to prevent the possible spread of COVID-19. Symptomatic surveys are conducted periodically.
- ✓ Information on preventing the possible spread of the COVID-19 was provided to staff at crisis centers and shelters; They were trained by an epidemiologist.
- ✓ A "quarantine space" was set up at the Tbilisi Shelter, which allowed the new beneficiary to be accommodated for 10 days and then referred to another shelter in case of no suspicious symptoms;
- ✓ Government Decree No.975 provides for the inclusion of beneficiaries and staff of crisis centers and shelters in the list of priority persons subject to mandatory testing for COVID-19 infection, allowing for a 14-day interval of scheduled testing.
- ✓ In order to receive legal, psychological and other services, in February 2020, an online platform was established in the crisis center.

In order to prevent infection with the new coronavirus (COVID-19) an instruction letter was sent to the regional/district centers of the State Care Agency, with which the social workers were given instructions regarding the remote performance of their functions: to carry out telephone monitoring of the cases of reintegration, foster care, family-close home beneficiaries. (See also 7.10.a)

c) *Please provide information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).*

Article 255 of the Criminal Code of Georgia defines liability for the illegal production or possession of a pornographic work or other object. Paragraph 3 of the mentioned article declares purchasing, storing, attending the demonstration of or using pornographic work with prior knowledge that it contains the image of a minor to

be criminal offences. The above-mentioned offences shall be punished by imprisonment for a term of 5 (five) to 10 (ten) years.

In addition, paragraph 4 of the same article criminalizes the offering, import, export, dissemination, transfer, advertising or other means of access to a pornographic work containing the image of a minor with prior knowledge and provides that such acts to be punishable by imprisonment for a term of 9 (nine) to 15 (fifteen) years. In particular, according to the Criminal Code, a pornographic work containing the image of a minor shall mean a visual or audio-visual material produced by any method, as well as a staged performance, which using various means, depicts the participation of minors or of characters with the appearance of a minor in the actual, simulated or computer-generated sexual scenes or displays genitalia of a minor for the gratification of a consumer's sexual needs. A work shall not be considered to be pornography if it has medical, scientific, educational or artistic value.

In addition, the Criminal Code of Georgia also criminalizes the grooming of minors, in particular paragraph 2 of the Article 2552 of the Criminal Code criminalizes the offer of a meeting knowingly made by an adult to a person under 18 years of age by using information and communication technologies for the purpose of committing the offence defined in paragraph 5 of Article 255(5) of the Criminal Code (, where the offer was followed by actions directed towards the holding of such a meeting. According to the same article, above-mentioned offences shall be punished by imprisonment for a term of 3 (three) to 8 (eight) years.

In order to protect minors from engaging in prostitution and to prevent promotion of prostitution, since June 12, 2018, promotion of prostitution (pimping) has been declared as a criminal offence. It includes persuading a person to engage in prostitution and/or carrying out other such nonviolent actions that encourage a person's participation in prostitution. Its purpose is to fight against those institutions (bars, clubs and etc.) where non-violent methods are used to encourage people, and in some cases children, to engage in prostitution, which may become a prerequisite for forced prostitution and sexual exploitation in the future.

Furthermore, Georgia is a party to the core international legal instruments against human trafficking and sexual exploitation aiming to prevent child sexual exploitation in digital space, such as Convention on Cybercrime, Convention on the Rights of the Child and its Optional Protocol on Sale of Children, Child Prostitution and Child Pornography;

The Cybercrime Division of the Central Criminal Police Department MIA actively works to identify cases of child sexual exploitation online and provide adequate measures to combat these kind of crimes. In particular, relevant divisions of Central Criminal Police Department of the MIA conduct operational measures, such as information processing, verification, detection and investigation processes. Above-mentioned activities aim to detect online child trafficking and sexual exploitation. In the cases of identifying of online trafficking and exploitation such webpages are being blocked;

Furthermore, the Division for Combatting Human Trafficking and Irregular Migration of the Central Criminal Police Department of the MIA and the Cybercrime Division of the same department have been included in the Interpol ICSE database (International Child Sexual Exploitation Database) since June 2021.

The Resolution N 1 (February 28, 2020) of the National Commission of Communications of Georgia "On the approval of the provision on the regulation of posting of information that is dangerous to children on the Internet" was approved in accordance with the requirements of the "Child's Code".

Based on this resolution, the rules were set in place for posting information, which is dangerous for children on the Internet, including the obligations of those posting information on the Internet and Internet service providers.

The effect of this provision applies to all natural and legal persons who provide users with Internet services or place information on the Internet through their own website, in particular, audiovisual productions (programs, games, films, including animated films and series), if such information is available on the territory of Georgia.

However, this provision does not regulate the issues of child protection from excessive use of the Internet by children, psychological oppression of a child on the Internet, harassment, persecution (including humiliation, intimidation, slander, blackmail), the security of a child's personal data and the dangers of communication with strangers on the Internet, and the provision does not apply to special software (application), as well as to

audiovisual products placed by users on video-sharing platforms on the Internet, for which the owner of the video-sharing platform has no editorial responsibility.

In case the Commission becomes aware of the posting of such information on the Internet, which leads to the imposition of responsibility under the Criminal Code of Georgia, the Commission will contact the law enforcement authorities for appropriate response.

In addition, in order to protect the child from the influence of information, which poses a threat to the child, the person posting the information on the Internet is obliged to use the criteria for determining the categories of programs provided for in Article 56² of the Law of Georgia "On Broadcasting" to determine the categories of information posted on the Internet and to assign the appropriate age marks to the information.

It is forbidden to post the information, which is dangerous to children in any form on Internet pages whose target audience is only children (including educational Internet pages, informational pages of educational institutions, Internet pages where children's movies and games are posted). Access to the websites containing inappropriate information for minors under the age of 18 must be done with the registration of a natural person.

For violation of the rules of posting information, which is dangerous to children on the Internet, the offender shall be subject to an administrative fine in accordance with Article 144¹¹ of the "Administrative Offences Code" of Georgia (Article 144¹¹ – Violation of regulations for placing in the internet of information carrying a threat against a child, and for a child to access the internet network at a general education institution, a library and a children's specialized institution).

According to the same resolution, the Internet service provider is obliged to develop such mechanisms, which allows the service provider, at the request of a specific subscriber, to block (restrict the access to) children's access to websites dangerous for them, based on a special rating list of websites dangerous for children.

In addition to the above, the minors are protected from harmful effects by the Law of Georgia "On Broadcasting", in particular: the broadcaster is obliged to ensure the protection of minors from information containing danger to children. The broadcaster is prohibited from broadcasting such a program or placing such material in the program, which may harm the physical, psychological, intellectual and spiritual development of a minor, as well as his/her mental and physical health.

It is also prohibited, to transmit such program or to place such material in the program, which may harm the socialization of minors. In addition, the broadcaster is obliged to use the criteria for determining the categories of programs and to place the programs in the broadcasting network in accordance with the time limits established by this article. (See also **7. 10.a.**)

d) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Responding to the European Committee on Social Rights (hereinafter - ECSR) previous conclusion under article 7 that not all forms of sexual exploitation are criminalized in Georgia,

it is worth to mention that Georgia is the member state to the following international legal instruments, which regulate the human trafficking issues:

- ✓ Council of Europe Convention on Action against Trafficking in Human Beings;
- ✓ United Nations Convention against Transnational Organized Crime and its supplementary Protocol: to Prevent, Suppress and Punish Trafficking in human beings, Especially Women and Children – in force since;
- ✓ Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention);
- ✓ Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography;
- ✓ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- ✓ European Convention on Human Rights;
- ✓ International Covenant on Civil and Political Rights;
- ✓ International Covenant on Economic, Social and Cultural Rights;
- ✓ ILO Forced Labour Convention (N29);
- ✓ ILO Convention on Abolition of Forced Labour (N105);
- ✓ ILO Convention on Worst Forms of Child Labour (N182);

For the domestication of international obligations in terms of THB, adequate legislative framework is in place since 2003 when THB was explicitly criminalized under Criminal Code of Georgia and Law of Georgia on Combating Trafficking in Human Beings was adopted in 2006. Article 143¹ of the Criminal Code of Georgia prohibits human trafficking. The criminal sanction for this crime varies imprisonment from seven to twenty years, which depends on the aggravating circumstances.²¹

Purchase or sale of children, or other unlawful transactions in relation to them, as well as their recruitment, carriage, concealment, hiring, transportation, provision, harbouring or reception for exploitation is explicitly criminalized under Article 143² of the Criminal Code of Georgia. The sanction for this crime is imprisonment from 8 to 12 years. If it is committed in aggravating circumstances the term for imprisonment could be increased to life imprisonment.

It should be noted that in 2014 respective articles of Criminal Code of Georgia were refined aimed at having more unambiguous and clear provisions in order make their application considerably easier for investigatory as well as judicial bodies. As a result, the Code has defined exploitation as one of the following acts aimed at gaining of benefit:

- a. forced labor or service;
- b. forced sexual service;
- c. Engaging person in criminal activity, prostitution, pornography or any other anti-social activity;
- d. Removing, transplanting or otherwise using an organ, part of an organ or tissue of the human body by force or deception;

²¹ Article 143¹, Criminal Code of Georgia <https://matsne.gov.ge/en/document/view/16426>

- e. Placing of a person in a state of similar to slavery or modern conditions of slavery.

Placing of a person in a state of modern conditions of slavery is defined as a condition when a person with or without payment or with inadequate payment carries out labor or provides any other service for another person and he/she is unable to change the condition because of his/her dependence on such person. Dependence on a person may be caused by conditions mentioned below, which is not exhaustive:

- a. Deprivation, control or intentional damage of Identity Document;
- b. Restriction or control of freedom of movement;
- c. Restriction or control of communication with a family member or with any other person, including restriction and control of personal correspondence and telephone conversation;
- d. Creating of coercive or terrifying environment;

Since prostitution is an administrative violation in Georgia and is not criminalized, however, in 2018 pimping has been criminalized under article 254, paragraph 1 of the Criminal Code of Georgia. The sanction for pimping is fine or imprisonment up to 2 years. In case of aggravated circumstances (e.g. committed against minor) the perpetrator will be sanctioned by imprisonment from 3 to 6 years. One of the main aims of introduction of new crime was prevention and protection of children from involvement in prostitution.

As a result of legislative changes on July 13, 2020, the export and import of child pornography was added to Article 255 of the Criminal Code, for which imprisonment for a period of nine to fifteen years was provided.

The Criminal Code also criminalizes use of the service of the trafficking victim. Sanction for this crime is the deprivation of liberty up to 4 years or imprisonment from 3 to 5 years. If the crime is committed in aggravating circumstances the sanction increases up to 15 years.²²

Government of Georgia identifies the children living and/or working in the streets as one of the vulnerable groups for human trafficking, especially for forced labour and labour exploitation. To address the issue, on 10 August 2016 legislative amendments came into force introducing the definition of homeless child, to provide these children with free of charge identification documents and strengthen the role of social workers to separate minor from perpetrator/remove the child from family or other environment where the violence was committed.

Statistical Data for the reporting period on Trafficking of minors:

Status	2018	2019	2020
Investigation	7	9	7
Prosecution	4	27	4
Conviction (cases)	1	1	5
Convicted Persons	2	2	29
Victim	0	0	0
Statutory Victim	3	29	3

A significant number of children are involved in child labour and hazardous work.

Since 2014, LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking (hereinafter - "Care Agency") has been administering the "Homeless Children's Sub-Program" within the framework of the "State Child Care and Social Rehabilitation Program". Within the mentioned sub-program, eight mobile groups work with children living and working on the street - Tbilisi (4 mobile groups), Rustavi (1 mobile group), Kutaisi (one mobile group) and Batumi (2 mobile groups). The mobile group works according to the principle of a multidisciplinary approach and includes: a social worker, a psychologist, an equal educator and an administrative worker (driver). Mobile groups work directly in the field to establish relationships with children

²² Article 143³, Criminal Code of Georgia <https://matsne.gov.ge/en/document/view/16426>

and their families (if found), gain the trust of children and youth and ensure their involvement in various child protection services. In the services the minors are involved in formal and informal education, receive psycho-social support, participate in the cultural-educational events, and their integration into society are promoted.

From August 23, 2021, the Care agency launched the "24-hour emergency response mechanism" (hereinafter - the "24-hour response mechanism"), on the basis of which the mobile groups work 24 hours a day on the issue of homeless children, work is carried out both in the field and with minors placed in services. In the process of effective implementation of the 24-hour response mechanism, the coordinator, mobile groups and social workers of territorial units are involved. From 2018 - to May 2022 – interventions were held with 1324 street-related children. The state adheres to the working principles of "gate-keeping" of child protection and tries as much as possible to place children from shelters' services - into alternative care (foster care, small family group home) as soon as possible.

Article 8 – 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

a) Please provide information whether the Covid-19 crisis had an impact of on the right to paid maternity leave (in particular whether all employed women concerned – in the private as in the public sector - continue to receive at least 70% of their salary during the whole length of the compulsory maternity leave during the Covid-19 crisis).

During the pandemic caused by Covid-19, the crisis did not affect the paid maternity, childbirth and childcare leave. The compensation equal to full salary for civil servants for 183 calendar days, and amounting to 1000 GEL for employees in the private sector during the same period, was paid during the pandemic.

In addition, in 2020-2021, by decision of the Government of Georgia, a targeted programme was approved in order to alleviate the damage caused by the new coronavirus infection (SARS-COV-2) (COVID-19) (Decree of the Government of Georgia No. 286). Due to the fact that many enterprises were forced to reduce the number of employees or place employees on unpaid leave, the Government established 1200 GEL compensation to be paid from the state budget to such persons. Compensation continued to be paid for 6 months, i.e. 200 GEL per month. Persons being on leave because of childbirth, maternity, childcare or adoption of a newborn (including persons whose employment was terminated or suspended) were also eligible for the compensation²³.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

N/A

²³ On the approval of the targeted state programme to alleviate the damage caused by the new coronavirus (SARS-COV-2) (COVID-19) infection caused by <https://www.matsne.gov.ge/ka/document/view/4864421?publication=18>

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

a) *Please provide information:*

i) *whether the Covid-19 crisis had an impact on the possibility of dismissing pregnant employees and employees on maternity leave and*

ii) *whether there were any exceptions to the prohibition of dismissal during pregnancy and maternity leave during the pandemic.*

b) *If the previous conclusion was one of non-conformity, please explain whether and how the non-conformity was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

The crisis caused by Covid-19 made its impact on women's employment, in general. In 2019, the unemployment rate of women decreased compared to the previous year, but it increased again in 2020 and 2021. The data of the National Statistical Service of Georgia on women's unemployment and employment by economic sectors are shown in the tables below²⁴.

Unemployment rate*

Women	Thousand persons			
	2018	2019	2020	2021
Unemployed	127.0	111.9	105.8	116.0
Unemployment rate, percentage	17.6	16.0	16.2	17.8

*The data for 2010-2019 are recalculated according to the International Labour Organization (ILO) standards adopted at the 19th and 20th International Conferences of Labour Statisticians; The data for 1998-2009 are in line with the ILO's standards adopted at the 13th International Conference of Labour Statisticians.

Source: Including 2016 Integrated Household Survey, from 2017 - Labour Force Survey.

Distribution of employed women by economic activity (Nace rev. 2)		
	Thousand persons	
	2020	2021
Total	546.9	536.4
Agriculture, forestry and fishing	90.3	80.7
Industry	42.8	42.1
Construction	3.4	2.7

²⁴ <https://www.geostat.ge/en/modules/categories/683/Employment-Unemployment>

Wholesale and retail trade; repair of motor vehicles and motorcycles	93.7	89.9
Transportation and storage	7.9	8.2
Accommodation and food service activities	21.5	19.9
Information and communication	9.4	7.3
Financial and insurance activities	19.0	18.5
Real estate activities	0.8	2.6
Professional, scientific and technical activities	8.8	12.4
Administrative and support service activities	7.6	6.4
Public administration and defence; compulsory social security	28.7	31.2
Education	117.1	118.8
Human health and social work activities	49.8	55.1
Arts, entertainment and recreation	16.4	15.4
Other service activities	14.5	11.8
Activities of households as employers; Undifferentiated goods and services-producing activities of households for own use	14.8	12.7
Activities of extra-territorial organisations and bodies	0.5	0.8
Not identified	-	-
Source: Labour Force Survey.		

According to the Organic Law of Georgia "Labour Code of Georgia", terminating an employment contract once an employed woman notifies the employer about her pregnancy, as well as terminating an employment contract due to pregnancy, childbirth, childcare, adoption of a newborn child, and taking an additional childcare leave shall not be allowed. Terminating labour relations during the aforesaid periods shall be admissible on the following grounds:

- ✓ Expiry of employment contract;
- ✓ Completion of the work under employment contract;
- ✓ Employee leaving the position/work out of his/her own free will, based on his/her written application;
- ✓ Written agreement between the parties;
- ✓ Gross violation by an employee of the obligation imposed on him/her under an individual employment contract or collective agreement and/or labour regulations;
- ✓ Violation by an employee of the obligation imposed on him/her under an individual employment contract or collective agreement and/or labour regulations providing he/she was subject to a measure of disciplinary liability during the past 1 year under an individual employment contract or collective agreement and/or labour regulations;
- ✓ Entry into legal force of a court verdict or other decision, which excludes the possibility of performing work;
- ✓ The death of an employing physical person or an employee.

During the pandemic, grounds for terminating an employment contract listed above remained unchanged.

3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending

receipt of information, please reply to the questions raised.

In its Opinions for 2019, the committee requested that the next report incorporate an updated information on any amendment to the legislation regarding the right of nursing mothers to additional break times for mothers feeding their infants for one year, as well as regarding nursing mothers who are employed part-time.

Based on the applicable norms, employees who are breastfeeding infants under the age of 12 months may request an additional break of at least 1 hour a day. A break for breastfeeding shall be included in working time and shall be paid.²⁵

As for women employed part-time, based on the amendments implemented in 2020, an article on part-time work was added to the Labour Code. Pursuant to this article, in respect of employment conditions, part-time employees shall not be treated in a less favourable manner than comparable full-time employees solely because they work part time, unless different treatment is justified on objective grounds. Therefore, a part-time employee enjoys the same rights as a full-time employee²⁶.

Inspections conducted by the Labour Inspection Service revealed no violation of the aforesaid right.

4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants

a) Please provide updated information to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.

Pregnant women and women who have recently given birth or are breastfeeding, shall not be employed for night work²⁷.

As a result of the amendments implemented in 2020, the Labour Code of Georgia incorporated new provisions regulating the rights of a pregnant woman, a woman who has recently given birth or is breastfeeding. If, according to a medical report, an employee who is a pregnant woman, or a woman who has recently given birth or is breastfeeding, cannot perform the work under an employment agreement due to her health condition, she shall have the right, as part of an obligation to be provided with reasonable accommodation, to request the performance of work in the same establishment that corresponds with her health condition.

A pregnant woman, a woman who has recently given birth or is breastfeeding, taking account of the dates specified in the medical report, or of the fact of pregnancy, of having recently given birth or breastfeeding, the employee shall be released from the performance of the duties under the employment agreement. The period of release from the performance of duties shall not be considered as a period of temporary incapacity for work.

The issue of remuneration of an employee during the period of release from the performance of duties shall be decided by agreement between the employee and the employer.

After the end of a period of maternity leave, parental leave, or newborn adoption leave, the employee shall have the right to return to the same job under the same employment conditions, and to enjoy any improved employment conditions to which the employee would have been entitled if she or he had not taken the respective leave²⁸.

²⁵ Labour Code, Art.24(6) <https://www.matsne.gov.ge/document/view/1155567?publication=21>

²⁶ Labour Code, Art. 16 <https://www.matsne.gov.ge/document/view/1155567?publication=21>

²⁷ Labour Code, Art. 28 <https://www.matsne.gov.ge/document/view/1155567?publication=21>

²⁸ Labour Code, Art. 20 (6-8) <https://www.matsne.gov.ge/document/view/1155567?publication=21>

Order N01-20/N of the Minister of IDPs from the occupied territories of Georgia, Labour, Health and Social Protection of Georgia was adopted the same year on approval of hazardous and high-risk works for an employee who is a pregnant woman, a woman who has recently given birth or is breastfeeding²⁹.

The Order determines hazardous and high-risk works for an employee who is a pregnant woman, a woman who has recently given birth or is breastfeeding and identifies factors and agents and describes work processes that may have a negative impact on the health and development of a pregnant woman, a woman who has recently given birth or is breastfeeding, as well as of a fetus and a child.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

a) Please provide updated information to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that the women concerned retain the right to return to their previous employment at the end of the protected period

According to the Labour Code of Georgia, it is forbidden to enter into an employment contract with pregnant women and women who have recently given birth or are breastfeeding to perform heavy, harmful or hazardous work³⁰.

Also, the Organic Law of Georgia "On Occupational Safety" stipulates that the employer should not employ pregnant and breastfeeding women to perform such work that is harmful to the health of a mother or a child and/or carries a special risk³¹. The list of such harmful works was determined through consultations with social partners by Order N01-20/N of the Minister of IDPs from the occupied territories of Georgia, Labour, Health and Social Protection. The Order was developed based on Directive 92/85 of 19 October 1992 (on the introduction of measures to promote the safety and health at work of pregnant women and women who have recently given birth or are breastfeeding) (tenth individual directive in accordance with Article 16(1) of Directive 89/391/EEC) taking into account the agents, processes and working conditions defined by Annexes I and II of the same directive.

The comments to paragraph 4, the Order defines work that is harmful and/or carries particular risk for the health of pregnant women and women who have recently given birth or are breastfeeding and, for this purpose, establishes factors, agents and identifies factors and agents and describes work processes that may have a negative impact on the health and development of a pregnant woman, a woman who has recently given birth or is breastfeeding, as well as of a fetus and a child.

According to the Order, pregnant women and women who have recently given birth or are breastfeeding shall not be allowed to do heavy and underground work. Heavy work is considered to be a work process that mainly affects the musculoskeletal and functional (cardiovascular, respiratory, etc.) systems which is characterized by dynamic load, the weight of the load to be moved and lifted, the total number of stereotyped movements, the

²⁹ <https://www.matsne.gov.ge/document/view/4787924?publication=0>

³⁰ Labour Code, Art. 10 (5) <https://www.matsne.gov.ge/document/view/1155567?publication=21>

³¹ Art. 5(7) <https://matsne.gov.ge/ka/document/view/4486188?publication=1>

amount of static load, posture at work, tilt and movement in space;
For the purposes of this Order:

A pregnant woman is an employee who has informed the employer about her pregnancy (the employer has the right to request relevant documents from the employee, if necessary);

A woman who has recently given birth is an employee during 6 months after giving birth, who has informed the employer about it (the employer has the right to request relevant documents from the employee, if necessary);

A nursing woman is an employee who breastfeeds a child under 12 months and has informed the employer about it.

The following are considered to be jobs that are harmful and/or particularly risky for the health of a pregnant woman, a woman who has recently given birth or is breastfeeding:

- a. jobs involving physical (carrying heavy objects) and work load (ergonomics) (Annex №1.1);
- b. jobs relating to definite chemical agents (Annex №1.2);
- c. works related to definite physical factors (Annex №1.3);
- d. works related to definite biological agents (Annex №1.4);
- e. works related to certain factors causing psychosocial and professional stress (Annex № 1.5).

If there is evidence of all the factors and agents specified in the annexes, the employer shall be obligated, based on this legal act, to assess the risks facing a pregnant woman, a woman who has recently given birth or is breastfeeding in the workplace and, in case they are under danger, to establish reservations regarding the prohibition of such work by a pregnant woman, a woman who has recently given birth or is breastfeeding, and if they are allowed to work, to issue recommendations for easing/improving working conditions.

The Order also defines:

- ✓ Norms regarding physical (carrying heavy objects) and work load (ergonomics) and requirements for the organization of such women's workplaces;
- ✓ A list of dangerous chemical agents for pregnant women and women who have recently given birth or are breastfeeding (for example, lead and lead derivatives, benzene); maximum allowable concentrations of chemical agents;
- ✓ Permissible Limits for harmful and dangerous physical factors (noise, vibration, ionizing, non-ionizing radiation, electromagnetic radiation, atmospheric pressure, temperature, illumination, etc.);
- ✓ A list of dangerous biological agents (bacteria, viruses, parasites and fungi) and the requirements for labour safety and health protection to protect the working environment from threats caused by biological agents for pregnant women and women who have recently given birth or are breastfeeding;
- ✓ Factors causing psychosocial and professional stress and their prevention/reduction measures.

Inspections conducted by the Labor Inspection Service revealed no violation in this regard.

b) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

See comments to paragraph a).

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

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

a) Please provide updated information on measures taken to reduce all forms of domestic violence against women including information on incidence and conviction rates.

The State Care Agency provides the services (victims/survivors of domestic violence, sexual violence, human trafficking and violence against women) within the shelters or crisis center. The services of the State Care Agency are available to Georgian as well as foreign citizens.

The shelter provides the following 24 hour free of charge service for beneficiaries and their dependents:

- ✓ Providing psychological-social assistance/rehabilitation;
- ✓ Organizing/receiving medical service;
- ✓ Providing Legal assistance (including legal representation in court and in law enforcement agencies);
- ✓ Translator service, if necessary;
- ✓ Promoting reintegration in a family and society and other services;

Daily accommodation in the shelter (for victims/survivors with his/her dependent(s)), including:

- ✓ a safe place to live, suitable for normal existence;
- ✓ nutrition and clothes;
- ✓ participation in the programs of integration into families and society;
- ✓ support minors to access to formal and non formal education;
- ✓ all the other activities that promote beneficiaries' complete development, the
- ✓ beneficiaries' personal data and shelter coordinates are kept confidential;
- ✓ other measures defined by the legislation of Georgia.

The crisis center provides the alleged victims/victims/survivors of domestic violence, sexual violence, human trafficking and violence against women (along with the dependents) with the following services:

- ✓ Psychological-social assistance/rehabilitation;
- ✓ Organizing/receiving medical service;
- ✓ Legal assistance (including legal representation in court and in law enforcement agencies);
- ✓ Translator service, if necessary;
- ✓ 24-hour accommodation (only in the crisis center of Tbilisi).
- ✓ Daily accommodation in the Tbilisi crisis center (for alleged victim with his/her dependent(s), including: nutrition, hygiene and other essentials);

A 24-hour hotline for the victims of violence is functioning at the State Care Agency . Anyone can call on the hotline: 116 006 (Euro number) and get professional consultations from qualified operators and information about the services of the State Agency . Since 2017, the consultations of the the State Care Agency's hotline on the issues of human trafficking, domestic violence, violence against women, sexual violence have been available in 8 languages: in Georgian as well as in English, Russian, Azerbaijani, Turkish, Armenian, Arabic and Persian

languages. The service is free and anonymous.

In order to prevent domestic violence and sexual violence, the State Care Agency is actively working to raise public awareness. To achieve this goal, the State Care Agency conducts informational meetings, trainings, spreads information (social network, information brochures, information clips) about the helpline and The State Care Agency's services.

On 13.08.2021 Memorandum of Mutual cooperation signed between the State Care Agency and the LEPL State Employment Support Agency. One of the aims of the cooperation is to raise the professional qualifications of single mothers, victims of domestic, sexual violence, persons under state care, and in this way promote their employment in the labor market. The memorandum provides for the provision of professional counseling and career planning services to the beneficiaries of the State Care Agency at the municipal level, also includes training and /re-training courses, career guidance and professional consultations, development of core competencies and internships in places of employment. Also, in 2021, 39 beneficiaries were employed with the support of the shelters for victims of domestic violence.

To improve the health system's response on violence against women/domestic violence, with the support of the United Nations Population Fund (UNFPA), the State Care Agency was working in 2018-2019 to create an accredited e-learning module on issues of violence against women and domestic violence, which was completed in 2020. An electronic module is available http://sms.tsmu.edu/ssms/cme/test_list.php?spec=88.

The State Care Agency collects data on women who related to experiences of violence against women, including domestic violence. The collected data include information on the beneficiaries of the state services, such as admission to shelters/crisis centres, sex, age, status, date of admittance and leaving the state service. During the reporting period (2018-2021) , 1017 women benefited from the services of the shelter and crisis center.

The following activities have been carried out under "Promoting Democratic Culture, Human Rights Education and School Networking (eTwinning) Programme":

In 2021, the training module "Gender Mainstreaming in Education: Gender-based Violence and Domestic Violence" was developed through cooperation between the National Center for Teacher Professional Development, the Ministry of Education and Science of Georgia, and UN WOMEN. The training module covers the gender issues such as: violence against women and girls, domestic violence, discrimination at work, pay discrimination, etc.; recent studies on discrimination against girls; examples of the impact of stereotypes, stigmas and prejudices and discussion thereof; discussion of workplace sexual harassment, characteristics of bullying, unequal inheritance rights, statutory rape, child marriage, femicide, international instruments on women's issues, international and national instruments.

The training module is designed for all general education teachers.

Several hundred teachers will be trained jointly by UN Women and the Center during the 2022-2023 year. Up to 800 teachers have already been trained

b) For States Parties not having accepted Article 31, please provide updated information on the availability of adequate affordable housing for families.

The Georgian Law on Social Assistance regulates a number of issues related to housing policy. According to which, the competencies and rights and responsibilities of the local self-government bodies include, among other things, the provision of shelter for the homeless and the registration of persons in the shelter. The same law defines a "homeless person" as a person without a permanent, defined place of residence, who is registered with the local self-government body as homeless. In addition, in accordance with the Local Self-Government Code, the local self-government responsibilities include the registration of homeless people and the provision of shelter.

It should be noted that in accordance with the "Open Government Action Plan of Georgia for 2018-2019", one of the obligations was to create a housing policy document, however, in 2021, an important reform in the field of social protection has begun. The reform aims to introduce a comprehensive and integrated approach to the social protection system, which includes the development of a regulatory framework for the social, employment, health, and insurance sectors. Renewal of social protection system will be the basis for appropriate support to the needs of persons at all stages of life. It will cover the areas and schemes of social protection, such as social assistance, pensions, health care needs, disability issues, adequate housing and employment issues, and unemployment insurance, and more.

Several thematic working groups have been set up for the development of the the social systems, which involves international and local experts, various specialists, governmental and non-governmental agencies. A separate housing policy-working group will be set up in the frames of thematic groups. The relevant legislative proposals will be developed by the housing policy-working group both in terms of defining the target group and in terms of separation of powers and funding schemes at the local and central level.

c) *Are family or child benefits provided subject to a means-test? If so, what is the percentage of families covered?*

Children are predominantly vulnerable group and the government implements various targeted programs/projects to realize their rights.

In terms of reducing poverty, the targeted social assistance program is important, which is the main tool that Georgia uses to provide financial resources to poor households. After the old-age pension, it is the largest social security program in terms of both expenditure and population coverage.

The methodology for assessing the socio-economic status of socially vulnerable families, which is used by Georgia, is the so-called well-being assessment methodology in the world practice, an indirect method of evaluating families, a statistical model, a formula through which, using various variables, it is possible to rank families according to their welfare.

The lower the welfare index, the lower the level of household welfare. On the other hand, when calculating the consumer index (which is based on the integrated survey of households produced by Geo-stat <https://www.geostat.ge/en>), agricultural property (land), income, utility costs, demographic indicators of the household, education and employment of family members, territorial index, the condition of the main residence and other additional variables are taken into account.

In addition, the formula includes the so-called "Index of Needs", which calculates the needs of different categories of consumers and individuals in relation to the "minimum of subsistence" of a healthy male aged 30-39. Population groups included in the "needs index" differ from each other in terms of gender, age, special status (person with disability, single pensioner, single mother, bedridden, etc.). The greater the additional needs of the family, the more effort the family must make to meet the demands.

year	Percentage of subsistence allowance recipients in relation to the total population
2019	11,5%
2020	14,1%
2021	14,3%
2022	17,6%

d) *Please provide information about the amounts paid in child/family benefit as well as the median equivalised income for the reference period.*

year 2019	Number of recipients receiving subsistence allowance	Number of recipients (under 16) receiving child benefit (CB).
	427 373	137 505
	Total transfer	Transferred money for CB
	319,579,131 GEL	72 723 436 GEL
2020	Number of recipients receiving subsistence allowance	Number of recipients (under 16) receiving child benefit (CB).
	524 598	170 514
	Total transfer	Transferred money for CB
	339,277,444 GEL	97 956 741 GEL
2021	Number of recipients receiving subsistence allowance	Number of recipients (under 16) receiving child benefit (CB).
	532 242	173 326
	Total transfer	Transferred money for CB
	440692625 GEL	182 417 280 GEL
2022	Number of recipients receiving subsistence allowance	Number of recipients (under 16) receiving child benefit (CB).
	665 992	225 549
	Total transfer	Transferred money for CB
	563142197 GEL (January-November)	320 113 995 GEL (January-November)

Share of population below the absolute poverty line ³² (%)								
year	Urban	Rural	Age group			Gender		Georgia
			0 - 17	18 - 64	65 +	women	men	
2017	18.6	26.6	26.0	21.7	16.5	21.6	22.4	21.9
2018	18.0	23.1	25.5	19.5	14.4	20.2	20.0	20.1
2019	16.4	23.7	24.4	19.2	13.8	19.4	19.6	19.5
2020	17.1	27.5	26.4	21.2	15.4	20.9	21.7	21.3
2021	15.0	21.3	22.7	17.3	11.9	17.1	17.9	17.5
*								

e) Is there a length of residence requirement imposed on nationals of other States Parties lawfully resident in your country for eligibility to child/family benefits?

It should be noted, that the condition for inclusion in the social protection programs is the citizenship status, therefore, if the conditions defined by the Georgian legislation are met, the opportunity to use the social protection benefits is determined for the applicants.

The condition for receiving targeted social assistance is permanent residence in Georgia on a legal basis, however, with changes in normative acts, temporarily residing citizens, such as refugees, persons with humanitarian status, and stateless persons with status in Georgia, also gained the right to receive assistance. And in the case of placement of children in state care services, citizenship status is not taken into account.

f) What measures have been taken to ensure that vulnerable families can meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services)?

The following programs operate to provide utility needs of vulnerable families:

"On partial subsidization of the cost of some utility services consumed by the socially vulnerable population" within the framework of the Resolution N 52 of February 3, 2022 of the Government of Georgia, families registered in the "Unified Data Base of Socially Vulnerable Families", whose socio-economic status rating score is equal to or less than 70 000, the difference between the 2020 consumer tariff and the current 2015 electricity consumer tariff and an additional amount of 3.5 tetri per 1 kWh will be subsidized monthly as assistance. And for those families registered in the database, whose socio-economic status rating score is greater than 70,000 or less than or equal to 150,000, monthly electricity consumption of no more than 200 kWh is subsidized. Also, families registered in the database with rating score is less or equal to 70,001, living in Tbilisi, Rustavi or

³² <https://www.geostat.ge/ka/modules/categories/192/tskhovrebis-done>

Mtskheta, are given a subsidy for drinking water, depending on the amount of drinking water consumed or the subscription fee, but not more than 100 GEL per year. In addition to the above-mentioned, the reimbursement of 50 percent of the monthly fee for electricity consumed by the subscriber in the mountainous settlement, but not more than the fee for 100 kWh of electricity consumed.

In addition to the above, a person permanently living in a mountainous settlement enjoys various social benefits, including the provision of communal services. In particular: a subscriber living in a mountainous settlement is subject to reimbursement of 50 percent of the monthly electricity bill, but not more than 100 kWh of electricity bill. According to the same law, in the winter period (October-April) for the people living permanently in the mountainous settlement, in order to promote the provision of heating, the implementation of appropriate measures is envisaged.

Also, for families with multiple parental status (four or more children under 18), with rating score below 300 000, will receive monthly allowance for electricity.

g) *If specific temporary measures were taken to financially support vulnerable families during the Covid-19 pandemic, will they or are they expected to they been maintained or withdrawn? If they have been withdrawn, what effect is this expected to have on vulnerable families?*

To mitigate the damage caused by the global pandemic government of Georgia was developed anti-crisis plan, which was implemented in two stages and covered a large part of the population with various targeted benefits. Second stage have been started from January 2021, compensation was given for 6 month to Socially to vulnerable families (rating score from 65 001 to 100,001), to families (rating score up to 100,001) who have 3 or more children including 16 years old, financial support was given also to persons with profound disabilities and disabled children. Universal benefits were granted to all children, while socially vulnerable students of higher education institutions (up to 150,001 rating score) were funded with one semester tuition fees.

Apart from that, LEPL National Bureau of Enforcement of the Ministry of Justice of Georgia carries out compulsory enforcement of court decisions on requisitioning (eviction) of real estate from the ownership/use of others.

In order to prevent the spread of the Covid-19, upon the decision of the Government of Georgia, in 6 April, 2020, the Minister of Justice of Georgia issued an order #515 prohibiting requisitioning of real estate and eviction during the state of emergency. The prohibition of eviction was prolonged under the May 25, 2020 orders #546 an #582 of Minister of Justice of Georgia.

During the pandemic, the restrictions on evictions were directed at all debtors and persons living with them, in relation to whom the court issued eviction decisions, regardless of whether the eviction decision was issued against them for non-payment of rent or other types of taxes or on other legal grounds. Thus, with the aforementioned regulations, forced eviction of all categories of debtors was prohibited.

It should be noted that before the complete abolition of prohibitions related to forced evictions, the Ministry of Justice of Georgia began to gradually remove restrictions. In particular, on December 16, 2020 and February 10, 2021, an amendment was made to the order #582 of the Minister of Justice and the restrictions related to forced eviction were lifted in the cases when requisitioning (eviction) from the real estate was necessary for a particular state or /and public interests, and was directed at the legal entities.

By the order of the Minister of Justice of Georgia #812 of March 1, 2022, the prohibition related to forced eviction was canceled.

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

1. 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:

- a) to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;**
- b) to protect children and young persons against negligence, violence or exploitation;**
- c) to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;**

a) Please provide information on measures taken by the State to:

i) reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth) and

ii) facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation. (General question posed in Conclusions 2019).

In January 2018, the Human Rights Department was established within the Ministry of Internal Affairs, which was expanded in 2019 and transformed into the Human Rights Protection and Investigation Quality Monitoring Department. Department is in charge of ensuring prompt response and quality of investigation of domestic violence, hate crime, violence against women, human trafficking, crimes committed by/towards minors and those based on discrimination. The Department is in charge of ensuring prompt response and quality of investigation on mentioned categories of crimes. One of the main priorities of the Department is to ensure the effective and timely response on the crimes committed against minors, as well as on crimes committed by minors. The Human Rights Protection and Investigation Quality Monitoring Department develops recommendations to eliminate the shortcomings in the investigation process. Department controls how those recommendations are implemented. The Human Rights Protection and Investigation Quality Monitoring Department of the MIA carries out monitoring through internal and external control mechanisms.

The internal control mechanism involves daily monitoring of the quality of the investigation by the employees of the department through the electronic investigation program.

As for the external control mechanism, it involves receiving information about specific cases from non

governmental organizations both in writing and orally. Also, an e-mail was created - adamianisuflebebi@mia.gov.ge , to which non-governmental organizations could send notifications about the cases they consider problematic. Through the above-mentioned e-mail address citizens could apply their complaints. Moreover, information about crime could also be obtained from the Facebook page of the Human Rights Protection and Investigation Quality Monitoring Department, as well as from various state agencies, including the Office of the Public Defender, the Office of Resource Officers, the Social Services Agency, etc. If there are signs of an above-mentioned crime, the Ministry of Internal Affairs reacts to the relevant fact by launching an investigation. After the investigation is launched, the Human Rights Protection and Investigation Quality Monitoring Department monitors the crimes under its competence. In 2019, aiming at providing efficient safeguards to the victims/alleged victims of crimes under its authority, the Witness and Victim Coordinator Service was launched within the MIA. The witness and victim coordinator service was expanded in 2020 to cover all police units of the Ministry. In 2021, legislative amendments entered into force in the Criminal Procedure Code of Georgia and the Juvenile Justice Code of Georgia, according to which the investigator of the Ministry of Internal Affairs was granted the authority to involve the coordinator in a criminal process by his own decision, before the case is brought to court. The purpose of the Witness and Victim Coordinators within the MIA is to support the witness / victim during the legal proceedings. In addition, the coordinator will assist the witness and the victim in establishing effective communication with the investigative authorities and provide them with appropriate information during the investigation phase. Other than that, the Witness and Victim Coordinator Service within the MIA aims to provide psycho-emotional support for the witness/victim, to prevent primary and secondary re-victimization of them, to provide them with information at the investigation stage, to provide the State services and to involve them in these services. The witness and victim coordinator works with minors as a priority, especially in the direction of psycho-emotional support of minors affected by sexual violence. In 2021, legislative amendments entered into force in the Criminal Procedure Code of Georgia and the Juvenile Justice Code of Georgia, according to which the investigator of the Ministry of Internal Affairs was granted the authority to involve the coordinator in a criminal process by his own decision, before the case is brought to court. The activities of witness and victim coordinators are coordinated by the Department of Human Rights Protection and Investigation Quality Monitoring of the Ministry of Internal Affairs. Currently, 14 Witness and Victim Coordinators are employed within the Ministry of Internal Affairs of Georgia.

It is crucial to highlight that the Organic Law of Georgia "on Georgian Citizenship" establishes mechanisms to prevent and reduce the statelessness of minors. They are the following:

- A minor, one of whose parents is a citizen of Georgia at the time of birth, will acquire Georgian citizenship by birth;
- Georgian citizenship shall be acquired by birth by:
 - ✓ A minor, at whose birth one of his/her parents is a Georgian citizen;
 - ✓ A minor born on the territory of Georgia through extracorporeal fertilization (surrogacy), if the country of citizenship of neither of his/her parents recognizes this person as its citizen;
 - ✓ A minor born in the territory of Georgia to persons having a status of stateless person in Georgia;
 - ✓ A minor born on the territory of Georgia, one of whose parents has a status of a stateless person in Georgia and the other parent is unknown;
 - ✓ A minor living in Georgia, whose parents are unknown, is considered a citizen of Georgia until the contrary is established;

In addition, it should be noted that in accordance with Article 12 of the Organic Law of Georgia "on Georgian Citizenship", adult persons with refugee status in Georgia must meet the following conditions in order to obtain Georgian citizenship in the regular procedure. They are the following:

- ✓ They have lawfully resided in Georgia for the last 10 consecutive years up to the day of applying for Georgian citizenship;
- ✓ They know the official language of Georgia within the established limits;
- ✓ They know the history of Georgia and basic principles of law within the established limits;

Moreover, persons with refugee status are not subject to the conditions of working in Georgia, and/or owning real estate in Georgia, or carrying out entrepreneurial activities on the territory of Georgia, or owning a share or shares in a Georgian enterprise, which are required for persons interested in obtaining Georgian citizenship.

Also, a simplified regime for obtaining Georgian citizenship has been established for minor refugees born in Georgia. In particular, in accordance with Article 13 (3) of the Organic Law of Georgia "on Georgian Citizenship", a minor born in the territory of Georgia who has a refugee status or a status of a stateless person in Georgia and has been living in Georgia for five years, shall be granted Georgian citizenship under regular procedure without the verification of the grounds of refusal of naturalization.

It should also be noted that the issue of undocumented persons is not problematic for Georgia. The Ministry of Justice has many times announced a campaign on issuance of documents for free in 2018-2021 in order to reduce figures of undocumented persons.

In this regard, it should be added that the special Working Group composed of the representatives of all relevant ministries, international organizations and NGOs working on problems of children was established by the Inter-Agency Council on Combating Trafficking in Human Beings in November, 2014. The purpose of the working group was to identify main threats faced by children working and living in the streets and to propose effective measures to tackle with these threats. Legal amendments were elaborated by working group addressing the main problems related to children living and working in the street and aim, inter alia, to enhance the legislative framework on the identification of children and providing them with identification documents. The draft legal amendments were approved by the Anti-Trafficking Inter-Agency Council and by the Parliament of Georgia in August 2016, in which the concept of "homeless children" have been introduced. For the purpose of issuing identification documents free of charge for the homeless children and victims of violence, the LEPL Public Services Development Agency (hereinafter - PSDA) of the Ministry of Justice of Georgia has introduced a relevant legal framework. Since 2016, the Ministry of Justice has issued IDs for homeless children and minor victims of violence to ensure access to schooling and other state programs. In the period of January, 2018 – December, 2021, PSDA issued 55 temporary identification documents (39 for 27 homeless children, 16 for 12 children victims of violence), 20 identity cards, 1 temporary residence card and 10 Biometric Passports for homeless children and child victims. The identity cards ensure the homeless children and child victims of violence are provided with additional state-funded services, including social, medical, and educational programs.

Despite of this, in 2019, Georgia took a pledge on UNHCR Ex Com Session to implement the “door –to-door” campaign to identify and document stateless persons. Implementation of this pledge was planned with the tight cooperation to UNHCR but the execution of the pledge was postponed due to pandemic and the pledge has been implemented since April, 2022 within the UNHCR financed project “Implementation of door-to-door Campaign”.

Accordingly, Georgia firmly maintains a downward trend in the number of stateless persons since from 2018 to 2021 the number of stateless persons decreased from 570 to 530.

As for birth registration, it is worth mentioning that civil registration is considered as an essential public service in Georgia. Even the COVID-19 pandemic did not have much impact on the registration of vital events as far as the majority of registrations (including birth and death) were available online over years. But as for those that were not available electronically, with intensive and immediate efforts of PSDA of the Ministry of Justice of Georgia, they also became available online in the shortest period of time.

PSDA provides the registration of birth of a citizen of Georgia, a child of a person with a stateless status in Georgia born abroad, as well as a child born in Georgia. Birth registration is performed on the basis of a medical certificate (notification) of birth received from a medical institution and/or a statement of an authorized person. Since 2011, medical certificates, which were filled in material form and taken to the authorized body for registration by the interested person, are filled in by means of special software and automatically, and within 5 days after the birth of the child, are sent to the PSDA, which registers the child’s birth based on the mentioned electronic notification. If an authorized employee of a medical institution does not provide PSDA with a medical

certificate of birth of a child within 5 days, he/she will be charged a fine stipulated by the Administrative Offenses Code of Georgia. Information regarding the registration of the child's birth will be sent to the parent/parents by an SMS to the phone number specified in the medical certificate. Interested persons can obtain a birth certificate by applying to any branch of the Public Service Hall/Community Center or to any territorial office of PSDA, as well as by submitting an application through remote channels (PSDA's remote service department and/or through the citizen portal my.gov.ge). The purpose of the service is to ensure the mandatory registration of civil acts of births, the existence of correct statistical data on births on the territory of Georgia, and the improvement of the quality of data in the electronic database of PSDA. Considering the conditions of simplified service for interested parties and increasing accessibility, as of today, 99.9% of births in the medical institution are registered.

With regard to the conclusion of ECSR on the guideline rules on issuing residence permit it is worth mentioning that consideration of residence permits issues and making the final decision is made based on the following legal acts: The Law of Georgia "on the Legal Status of Aliens and Stateless Persons" and #520 Ordinance of September 1, 2014, issued by the Government of Georgia, "on Approval of the Procedures for Reviewing and Deciding the Granting of Georgian Residence Permits".

As for ECSR conclusion on the issuance of residence permit to the family member, it should be noted that from May 12, 2021, new amendments to the Law of Georgia on the "Legal Status of Aliens and Stateless Persons" came into force and in this regard, the concept of "family member" was narrowed. In particular, "family member" is determined as - the spouse of a foreigner or a person having a status of stateless person in Georgia, a minor child, a minor under guardianship or custody, and/or a fully dependent minor; A parent of a foreign minor or a stateless minor with such a status in Georgia; foreign spouse of a citizen of Georgia, minor child, minor under guardianship or care and/or an entirely dependent minor, parent of a minor citizen of Georgia. Adult children are thus excluded from the scope of family members³³. If a family member of a labor migrant has other legal grounds for issuing a residence permit, he/she can obtain a corresponding one (for instance: for the purpose of study, a short-term residence permit based on the right of ownership on immovable property on the territory of Georgia and etc.).

The evaluation and discussion on the topic whether the issuance of a residence permit to a family member poses risks or not, from the point of view of the state and/or public security, is beyond the competence of PSDA. The criteria of possessing risk to the security of the state is assessed by competent Georgian Authorities based on which PSDA renders decision on refusal/satisfaction of request on issuing residence permit to a family member.

The care agency, as a guardianship and care body, is actively involved in supporting asylum seekers, refugees or persons with humanitarian status, including persons with disabilities in Georgia, The agency arrange documentation to them and, if necessary, placing them in various alternative care.

In addition to the above, the State Care Agency has been implementing a sub-program for providing shelter for homeless children within the framework of the "Social Rehabilitation and Child Care Program". The sub-program is a family and child support event to prevent the abandonment or separation of homeless children, psychosocial rehabilitation and integration, as well as the provision of safe housing.

There are mobile groups within the sub-program, consisting of a social worker, a psychologist, a co-educator and a driver. Mobile group activities include identifying children living and working on the streets, visit to their potential stays and workplaces. Finding the child's identification documents and in case of such absence - arranging; Organizing outpatient or inpatient services for children; Psychological services, etc. The Homeless Child Shelter sub-program includes day center services as well as day and night shelter services. Day center services include activities such as catering, medical, outpatient or inpatient services; Implementation of individual service plans; Facilitate / provide inclusion in both formal and non-formal education for minors; As for day and night shelter services, it includes basic needs of the child; Providing medical care; Implementation of psycho-social rehabilitation measures for beneficiaries; Develop an individual service plan; Promoting biological family relationships.

³³ adult children have the opportunity to get a short-term residence permit if the family member owns immovable property on the territory of Georgia

As of August 23, 2021, the State Care Agency in pilot mode launched a 24-hour emergency response mechanism, through which Mobile group work 24/7 on the issue of homeless children.

The local central authority ensures that a temporary identification certificate is obtained, after which beneficiary can use the sub-programs. In 2020-2021, Temporary identification documents were prepared for 9 minor, and 25 minor were helped to prepared documents.

ii) facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation. (General question posed in Conclusions 2019)

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b) Please provide information on measures taken to:

i) child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc.) and

ii) combat discrimination and promote equal opportunities for children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.

iii) States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

Government of Georgia also pays particular attention to identification of THB victims among homeless children. In order to identify children working and/or living in the streets, 6 mobile groups under the Agency for State Care is in place since 2013. These mobile groups working in Tbilisi, Kutaisi, Rustavi and Batumi are comprised of senior social worker, psychologist, peer educator, driver/logistics officer. Mobile Teams are spearheaded by state senior social workers. The teams conduct the mapping and identify most populated and visited places by the children working and/or living in the streets to provide outreach service for children in street situations. Initially, the mobile teams introduce the approach, vision and mission of the sub program and if a child obeys the mobile team senior social worker becomes authorized to assess him/her with the special assessment tool created by all state and non-state stakeholders. After child is identified he/she can be enrolled by an authorized

State Senior Social Worker at the appropriate service. Currently, there are functioning 7day care centers and 6 shelters for homeless children.

THB Council has finalized the Governmental Strategy on Protection of Homeless Children from Violence, including Trafficking in Persons and its action plan. For that aim special working group has been working throughout the year consisting of the representatives from Ministry of Justice of Georgia, the Ministry of Internal Affairs of Georgia, Office of the Prosecutor General, Ministry of IDPs from Occupied Territories, Labor, Health and Social Affairs, Ministry of Education, and Science, Agency for State Care, LEPL National Agency for Crime Prevention, Execution of Non-custodial Sentence and Probation. Due to Covid-19 Pandemic, the meetings of the working group were held mostly online. The Strategy and Action Plan was shared to NGOs, IOs, US Embassy for Georgia, as well as Public Defender's office and other stakeholder for comments. There feedback has been considered. The Strategy and Action Plan will be adopted in the nearest future.

The cooperation between the law enforcements, labor inspectors and service providers are conducted on a daily basis. Apart from referral of alleged crimes of THB or already identified victims between the relevant authorities for further identification and/or protection of THB victims, the relevant agencies also participated in joint working meetings and trainings aiming at further strengthening the joint counter-trafficking methods.

Furthermore, the Ministry of Justice of Georgia holds grant contests for NGOs aiming at prevention of THB and protection of the victims.

Notably, in 2015-2018 Ministry of Justice of Georgia issued in total 89,000 GEL to different NGOs for conducting awareness raising activities on THB, as well as on protection of children in street situations.

In particular, MOJ provided the following grants to NGOs:

- In 2015 MOJ granted 5000-5000 GEL to two NGOs for conducting awareness raising activities in Imereti and Adjara Regions. Within the Grant Programs NGOs conducted information meetings with different target groups and disseminated leaflets among the local population;
- In 2016 MOJ granted in total 54,000 GEL to two NGOs aiming at identification of and supporting of reintegration of the homeless children in the society. Within the framework of identification of homeless children, the NGO conducted research and elaborated recommendations on better protection of children in street situations. Aiming at supporting of reintegration of the homeless children in the society, second NGO provided such children with educational, social, cultural, sports or other kinds of programs;
- In 2018, the MOJ issued a one-off grant of GEL 25,000 to one NGO in order to conduct awareness raising activities in ten big cities of Georgia and to make a video. Within the grant project, in April–May, 2018 NGO conducted information meetings with different target groups, such as students, pupils, teachers, local population, etc., produced and disseminated information materials in 6 languages (Georgia, English, Russian, Azeri, Armenian ad Turkish). The aim of the grant project was to raise awareness of population about THB related issues, especially THB risks related to children in street situations.

Activities carried out to prevent and combat violence against children

Combating domestic violence represents a priority for the MIA (Ministry of Internal Affairs of Georgia). Since the ratification of the Istanbul Convention, fighting against violence against women, children and domestic violence has become a policy priority for Georgia. The Ministry of Internal Affairs, as the authorized central institution in the fight against these crimes, implements measures, that, on the one hand, are necessary for the prevention of such crimes and, on the other hand, provide effective response to them. It should be noted that, on the initiative of the MIA, important steps have been taken in recent years in terms of fighting against violence

against women and domestic violence, as well as violence against children:

- ✓ In 2018, a recurrence risk assessment and monitoring mechanism for the violence against women and domestic violence was developed;
- ✓ Criminal liability was imposed on the first case of non-fulfilment of the obligations stipulated by the restraining and protective orders;
- ✓ The term of imprisonment for committing the crime stipulated for domestic violence (paragraph 1 of the Article 1261 of the Criminal Code of Georgia) has been increased up to 2 years;
- ✓ More severe punishments were fixed for repeated domestic violence crimes;
- ✓ The policy towards law enforcement officers who are perpetrators of domestic violence crimes has been tightened;
- ✓ In 2019, the service of Witness and Victim Coordinators was introduced, one of the priorities of which is to facilitate participation in the investigation process for the victim/person effected by the crime;
- ✓ In 2020, together with the issuance of a restraining order, the possibility of imposing electronic surveillance on the abuser was introduced, in the cases where there is a real threat of the reoffending the violence;
- ✓ In 2020, an electronic link was created and sent to the entire population in the form of text messages, through which the user has the opportunity to download the „112“ application and, if necessary, use the silent alarm button to send a notification and establish non-verbal communication with the operator;
- ✓ In 2020-2021, a number of videos were created and distributed on social media networks. The aim of the mentioned videos was to emphasize the strict policy maintenance and work conducted by the MIA towards combatting violence against women and domestic violence, as well as, to provide population with information on alternative mechanisms for contacting the police;
- ✓ In 2021, a legislative amendment entered into force in the Criminal Procedure Code and the Juvenile Justice Code of Georgia, according to which the investigator of the MIA was granted the authority to include the Witness and Victim Coordinator in the criminal process by his/her own decision before the case is brought before the court;
- ✓ More than 10 recommendations have been developed for law enforcement officers on problematic aspects related to the above-mentioned issues;

Furthermore, great attention is paid to raising the knowledge and qualifications of professionals;

In addition, in order to ensure that proceedings are carried out thoroughly and by taking into consideration gender-sensitive and victim-oriented approaches, in recent years, a number of trainings have been conducted. Within the framework of those trainings thousands of police officers, both criminal and patrol police officers, have been trained.

Moreover, it should be emphasized that the Ministry implements important measures to raise public awareness and to prevent such crime.

It is important to note that since 2018, the Ministry of Internal Affairs has been implementing an information campaign called "Don't take away childhood" in order to eliminate crimes promoting child marriage and to raise public awareness on this issue, as well as to promote importance of notification of the law enforcement officers about this crime in timely manner. Within the framework of the campaign, employees of the Human Rights Protection and Investigation Quality Monitoring Department of the MIA, together with representatives of partner agencies and organizations, are holding thematic meetings in Tbilisi and regions with different target groups.

The Ministry of Internal Affairs, for the purpose of prevention of offenses and crimes committed against/by minors, periodically plans and implements various types of events, within the framework of which, throughout

the country, together with partner organizations and representatives of the non-governmental organizations, informative meetings are held with target groups, school student and the representatives of the relevant state agencies, working on such issues.

Information on protection of child's rights in the juvenile justice process

Furthermore, since 2018, infrastructural projects have been implemented in the territorial divisions of the Ministry of Internal Affairs, as a result of which child-friendly spaces were created and put into operation. The space is provided with rooms and audio/video equipment necessary for the interrogation of the minor, a secluded entrance and a waiting room. The existence of such an environment contributes to a high standard of compliance with the principles of the Juvenile Justice Code and the Code on Rights of the Child at the stage of litigation.

Within the framework of the "2021 Action Plan for the Protection of the Rights of Persons with Disabilities" of the MIA, a recommendation on the "effective involvement minors with disabilities at the investigation stage" was developed. The recommendation is available to all relevant representatives of the agency for use in the legal proceedings.

In 2020-2021, within the framework of the project of the Embassy of the Netherlands, and in cooperation with the Public Health Foundation of Georgia, psychologists of the MIA developed a procedural document defining the functions and duties of a psychologist within the Juvenile Justice Code.

In 2020, within the Tbilisi Police Department of the Ministry of Internal Affairs the Juvenile Main Division for Juveniles' cases was established. The specialized unit is equipped with all the infrastructural and human resources that ensure the protection of the best interests of minors in the process of justice. The Juvenile Affairs Main Division is staffed by specialized investigators and detectives who have received extensive training in juvenile justice. The division works on the investigation of crimes committed by/against minors (including persons under the age of 14). Also, the authority of the division includes timely and effective response to cases of administrative offenses by/against minors.

In addition, and as already mentioned above, witness and victim coordinators of the MIA are actively involved in juvenile justice system. Moreover, amendments to the Juvenile Justice Code in 2021, authorized the investigators of the Ministry of Internal Affairs the opportunity to involve the coordinator in a criminal process by his own decision, before the case is brought to court.

In 2021, the guidelines on national juvenile justice law, practice and psychological aspects was developed for investigators. The guidelines describe in detail the standards for investigating the cases of human trafficking and interviewing/interrogation of alleged victims (affected persons) of the crime, especially minors, informing the alleged victim (affected persons) of their rights and legal guarantees, and offering the use of state services. In the guidelines, special importance is attached to the need to take into account the signs of trafficking when considering cases related on the bases of Articles adjoining to the trafficking crimes (for example, engaging in prostitution). This serves to conduct proactive investigations and is aimed at identifying possible victims of human trafficking (trafficking). It should be noted that in the process of developing the guidelines, the international legal acts such as: Additional Protocol of the United Nations Convention on Combating Transnational Organized Crime "On Preventing, Suppressing and Punishing Trafficking in Persons, Especially Women and Children", United Nations Model Law against Trafficking in Persons, Council of Europe Convention on Combating Trafficking in Human Beings and Decisions of the European Court of Human Rights were considered.

Training of law enforcement officials on the issues of violence against children, rights of migrant/asylum seeker children and juvenile justice system

In the framework of the special educational program within the basic training course for training police officers, conducted by the MIA Academy, the subject on "Violence against women and/or domestic violence" is being taught. The mentioned subject involves topics such as:

- ✓ The essence of domestic violence and theories regarding to domestic violence;
- ✓ Legislative framework of Georgia on domestic violence;
- ✓ Method of identification the victim;
- ✓ Specific measures to protect minors from domestic violence;
- ✓ Administrative proceedings related to prevention of violence against women and/or domestic violence, protection and assistance of victims of violence;
- ✓ Filling of restraining order and protocol of restraining order as well as filling of protocols related to weapons.

It is worth noting that the Academy of the Ministry of Internal Affairs periodically conducts an electronic course on the mentioned topic, namely, "Instructions for filling out a restraining order and its protocol, as well as implementing electronic surveillance and operating electronic means" as well as an e-learning course on "Instructions for filling out a restraining order protocol and assessing the risks of violence".

In addition, it should also be noted that the MIA Academy conducts a training program for specialized police officers and investigators implementing the juvenile justice process. Within the framework of the program, following issues are covered:

- ✓ Issues related to minors and covered by the international law;
- ✓ Juvenile Justice Code;
- ✓ Development of minors and psychology of Interrogation/questioning process.

During the reporting period and within the relevant educational (training) courses, such as the special professional educational program for the training of border guards, training for raising the qualifications of employees of the Migration Department, the special professional educational program for the basic training of police officers, professional educational program for the training of border guards of the Land Border Defence Department of the Border Police and special professional educational program for the training of patrol-inspectors, employee of the MIA participated in the trainings/re-trainings on the issues of the legal status of refugees and asylum seekers. The above-mentioned trainings covered the following issues:

- ✓ Basic requirements of the 1951 UN Convention on the Status of Refugees;
- ✓ 5 conventional grounds for which a person may be persecuted from his country of origin;
- ✓ Legal requirements and functions of the MIA with regards to the asylum seekers;
- ✓ Identification of asylum seekers;
- ✓ Asylum seeker referral mechanisms at the border.

In 2020, an electronic course - "Status of Asylum Seekers and Refugees" - was created at the MIA Academy. Within the framework of the course, police officers of the MIA received trainings on the issues of asylum and refuge. In 2018-2021, within the relevant educational (training) courses, such as special professional educational program for the training of border guards of the Land Border Defence Department of the Border Police, special professional educational program for the training of district inspectors, special professional educational program for the training of patrolinspectors, special training for promotion of representatives of the Patrol Police Department and basic training course for police officers, representatives of the MIA received trainings on the following issues:

- ✓ Legal status of foreigners and stateless persons;
- ✓ Detection of persons without a legal basis in the country and response mechanisms;
- ✓ Basics of entry of a foreigner into Georgia;

- ✓ Detection of persons who are in the country without a legal basis;
- ✓ Grounds for detention;
- ✓ Determination of types and categories of countries issuing travel documents;
- ✓ Identification, residence and other types of certificates of different countries;
- ✓ Georgian visas and validity periods.

By 2022, the Ministry plans to increase the number of trainers of the Academy of the MIA, to develop educational materials, as well as, with the support of the "Council of Europe" to create of a simulation video on interviewing process. Furthermore, in accordance with the challenges identified in the practice and in order to raise the qualifications of specialized employees, preparation process of special trainings on the investigation of violence against children is underway.

Children are a particularly vulnerable group and the government implements various targeted programs/projects to realize their rights.

Targeted social assistance program is an important in terms of poverty reduction, which is a method of assessing the needs of families to identify those households that should be given monetary allowances and certain material assistance.

In the methodology for assessing the socio-economic status of socially vulnerable families, the equivalence coefficient determined for children is also high compared to other categories, which determines the superior possibility of obtaining subsistence allowance for families with children.

Since 2015, on the initiative of the United Nations Children's Fund (UNICEF), a child benefit has been introduced, the monetary amounts of which are permanently increasing. From 2021, the upper rating point has risen from 100 001 to 120 001, meaning that even more children from disadvantaged families will receive the doubled Child Benefit.

The child's benefit is permanently increasing, at present, the mentioned payment amounts to 150 GEL³⁴

Year	Number of recipients (under 16) receiving child benefit (CB).
2019	137,505
2020	170 514
2021	173,326
2022	225 549

Share of population below the absolute poverty line ³⁵ (%)								
year	Urban	Rural	Age group			Gender		Georgia
			0 - 17	18 - 64	65 +	women	men	
2017	18.6	26.6	26.0	21.7	16.5	21.6	22.4	21.9
2018	18.0	23.1	25.5	19.5	14.4	20.2	20.0	20.1

³⁴ http://ssa.gov.ge/?lang_id=GEO

³⁵ <https://www.geostat.ge/ka/modules/categories/192/tskhovrebis-done>

2019	16.4	23.7	24.4	19.2	13.8	19.4	19.6	19.5
2020	17.1	27.5	26.4	21.2	15.4	20.9	21.7	21.3
2021	15.0	21.3	22.7	17.3	11.9	17.1	17.9	17.5

A social package is issued for children with disabilities and dependents, the monetary amount of which is increased.

In order to promote the improvement of the demographic situation, a targeted state program is implemented, which involves the provision of monthly cash assistance for the third and subsequent children in regions where natural growth is not observed. Also, monetary assistance is provided for every newborn, one of whose parents has the status of a permanent resident in the high mountainous settlement.

For families with the status of parents with many children (four and more children under the age of 18), whose rating score is less than 300,000, monthly electricity allowance is provided in the amount of 20 GEL, and for each subsequent child - 10 GEL.

In parallel with the monetary programs, taking into account the identified needs and existing priorities, the state implements the social rehabilitation and child care state program, which includes preventive and supportive: rehabilitation/habilitation of children; sub-programs of providing shelter for mothers and children, provision of auxiliary means, specialized family-type services for children with severe and profound disabilities or health problems, assistance to families with children in crisis situations, foster care, providing shelter for homeless children and etc.

"Sub-program of assistance to families in crisis situations" is a family/child support measure, and its purpose is to prevent child abandonment or separation from the family, to meet the primary needs of families with children in poverty and/or crisis, and to promote the child's upbringing in a family environment.

The sub-program has two components: provision of food products for the target group, which is an assisting measure, in order to meet the primary needs identified as a result of the social work carried out by the social worker and serves to reduce the crisis in the family and another component is provision of artificial food products for children based on the "protection and promotion of children's natural nutrition, consumption of artificial food" defined by the Georgian law.

The Homeless Child Shelter sub-program includes day center services. Day center services includes activities such as catering, medical, outpatient or inpatient services; Implementation of individual service plans; Facilitate / provide inclusion in both formal and non-formal education for minors.

Within the framework of group working on the educational needs, the Ministry of Education and Science of Georgia had provided special educational services at all the service centers under the aforementioned sub-program. In particular, special education teachers were allocated to Tbilisi and Rustavi Centers, where they had been working on enhancing the functional, academic and cognitive skills of the beneficiaries, in sum, (2018-2021) 310 children were involved.

ii) Combat discrimination and promote equal opportunities for children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.

Every person living in Georgia is equal, so defending the human rights guaranteed by the legislation of Georgia is being extended fairly to every citizen. Justice and impartiality are the main principals of decision-making for providing social security services.

LEPL Social Service Agency and LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking, are guided by the following principals: excluding discrimination based on social and

property conditions, race, skin color, religion, gender, age and political affiliation. (At the same time, any events targeted to the people to ensure with special needs can't be determined as discrimination. If they are determined as having physical disability, or having certain marital status/social conditions, they are assigned as people with need of special security and aid based on law of Georgia). ("Approval about the regulation of Social Service Agency-Legal Entity of Public Legislation". Ministry of Health and Social Affairs of Georgia warrant N01-14 in 2018, 3 October and Approval of the Regulation "On 29 January 2020, the Government Decree №58 of LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking).

The state Care agency developed the Guidelines for Social Work and Psychological Rehabilitation/Assistance of beneficiaries of the structural units and their integration into internal regulations and plans for rehabilitation and reintegration (case management). The guidelines provide practical guides for rehabilitation of victims including children and people with disabilities. Regular trainings and study courses of the staff ensure qualified case management and focusing on the child's best interests. In 2019 special training-sessions were provided to psychologists and social workers of the State Care Agency for institutionalization of guidelines.

Moreover, the services of the State Care Agency are available regardless of the race, skin color, language, sex, religion, political or other opinions, national, ethnic, and social affiliation, origin, property or social status, place of residence. The Georgian legislation prohibits any kind of discrimination in public and private spheres. The internal regulations of the State Fund are in accordance with the Georgian legislation.

We should note that, representatives of minorities, Roma children, disabled children and children under state care belonging to the target groups of respective social/labour/health protection programs, have full access to benefits/services without any restriction.

iii) States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion

As per the Law of Georgia "the Code of the Rights of the Child" (Article 8) the child shall have the right to have his/her opinion heard when resolving any matter related to or affecting any of his/her rights and to have his/her opinion taken into account in accordance with the best interests of the child. The child shall have the right always to be heard when the child is willing to express his/her opinion, either directly, or by providing due support depending on individual needs, and in the form and by any means of communication desirable and permissible for the child.

Well-being of children is a priority for the Government of Georgia and both the central and local governments are involved in development of the programs to care for their well-being, as well as donor organizations. The contribution of UNICEF in this regard is particularly large.

UNICEF has been assisting the Government of Georgia for more than 20 years in protecting the rights of the child and fulfilling its obligations under the Convention on the Rights of the Child.

UNICEF works closely with the Government of Georgia to coordinate their work to reduce maternal and child mortality, eliminate all forms of child abuse, improve child social protection, prioritize early childhood development, and create a family environment for each child, ensure social inclusion of children with disabilities and eliminate stereotypes, etc.

The role of UNICEF is also great in development of target social assistance program. With the organizations support, the equivalence coefficient determined for children in methodology for assessing the socio-economic status of socially vulnerable families has increased compared to other categories, which determines the priority right to obtain subsistence allowance for families with children. Child benefit was introduced with patronage of UNICEF, which is given to all children under the age of 16 living in households with a rating score of 120,001, The amount of the benefit is permanently growing.

c) Please provide information on any measures adopted to protect and assist children in crisis situations and emergencies.

If there is an unfavorable environment and there is not provided protection against child abuse in minor's biological family, the state takes obligation to create a safe environment for the minor and places in State care. Beneficiaries placed in state care have support in preparing for independent life and receiving secondary education. Beneficiaries in state care enjoy national health care program Also, Funding for medical procedures is provided by referral assistance program.

Placement in foster care is the state's priority for creating the opportunity to raise children in a family environment. Institution of foster care is a state service that is close to family care, aimed and directed to foster care, upbringing and creating a family environment for children.

If the foster child is a student of a general educational institution/school, a professional student of a vocational educational institution or a student of a higher educational institution, the foster child has the opportunity to use the mentioned service until reaching the age of 21.

The component of family care for persons with disabilities over 18 years old" was added to the foster care sub-program. Persons with disabilities who have reached the age of 18 (benefiting from the foster care sub-program) have no residence and cannot return to their biological family, and need state care, have opportunity to stay in the family of the same foster parent.

"Sub-program of assistance to families in crisis situations" is a family/child support measure, and its purpose is to prevent child abandonment or separation from the family, to meet the primary needs of families with children in poverty and/or crisis, and to promote the child's upbringing in a family environment.

The sub-program has two components: provision of food products for the target group, which is an assisting measure, in order to meet the primary needs identified as a result of the social work carried out by the social worker and serves to reduce the crisis in the family and another component is provision of artificial food products for children based on the "protection and promotion of children's natural nutrition, consumption of artificial food" defined by the Georgian law.

Number of beneficiaries who received services under the crisis sub-program in 2022

Year 2022	Number of beneficiaries who received services under the crisis sub-program
January	1 140 Artificial feeding voucher
Febroaly	1 135 Artificial feeding voucher
March	1 122 Artificial feeding voucher and 132 (food products)
April	1 137 Artificial feeding voucher and 2 179 (food products)
May	1 231 Artificial feeding voucher and 1 485 (food products)
June	1 242 Artificial feeding voucher and 640 (food products)
July	1 486 Artificial feeding voucher and 252 (food products)
August	1 217 Artificial feeding voucher and 143 (food products)

September	1 210 Artificial feeding voucher and 322 (food products)
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d) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Conclusion of the European Committee on Social Rights of 2019 with regard to the implementation of the paragraph 1 of the Article 17: “The Committee asks what measures have been taken to ensure that children irregularly present are accommodated in appropriate settings. It also requests further information on the assistance given to unaccompanied children, in particular to protect them from exploitation and abuse. Lastly, it requests information as to whether children who are irregularly present in the State, whether accompanied by their parents or not, may be detained and if so, under what circumstances”.

Protection of the rights of the irregular migrant children

The Georgian law “on the Legal Status of Aliens and Stateless Persons” provides grounds for the detention/placement of unaccompanied minors or children in family under expulsion procedures. Detention/placement at the Temporary Accommodation Centre of the Migration Department of the Ministry of Internal Affairs represents the measure of last resort and for as short a period of time as possible bearing best interests of children into consideration. The infrastructure of the TAC is adapted for placement and adequate treatment. Priority is given to the placement of children at the state care system of the Ministry of Internally Displaced persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

In case of detention/accommodation of unaccompanied minors at the Temporary Accommodation Centre, the relevant division of the Ministry of Internal Affairs immediately notifies the Ministry of Internally Displaced persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia to appoint a legal representative. During the whole procedure, the presence of the legal representative/social worker is guaranteed. Relevant employees of the Ministry are trained and have appropriate knowledge and skills to provide adequate protection and treatment of children. It is also noteworthy, that the applicable legislation includes provisions to prevent family separation, unless separation is necessary to safeguard a child’s best interests.

Furthermore, the issuance of Temporary Identity Cards for the asylum-seekers is one of the primary responsibilities of the relevant state authorities in Georgia. Particularly, according to article 27 of the Law of Georgia on “International Protection” (hereinafter referred to as Law), the application on international protection submitted to the Ministry of Internal Affairs (hereinafter referred to as MIA) is immediately registered and asylum-seeker’s certificate is issued. A certificate of an asylumseeker is a document certifying the filling of an application by an alien or a stateless person for international protection and his/her legal stay in Georgia (article 3 of the abovementioned Law). Based on the asylum-seeker’s certificate, a temporary identity card within the period of the review of an application for international protection is issued (with the Georgian personal ID number - 11-digit ID).

According to the national legislation, asylum-seeker’s child born on the territory of Georgia will be registered and the issuance of temporary identity cards is guaranteed. Hence, they (asylum-seekers newly born children) are issued a temporary identity card with the Georgian personal ID number-11- digit ID. In addition to this, temporary identity card confirms that the person concerned have applied for asylum in Georgia and his/her presence in the territory of Georgia is legal. Card provides asylumseeker with the right of free movement within the territory of Georgia, and entitle them to exercise the following rights: pre-school, general education, professional and higher education in accordance with Georgian legislation; health care from the Universal Healthcare Program as provided for citizens of Georgia; the right to employment, etc. Moreover, under the Law

of Georgia on International Protection, asylum-seekers and international protection holders (including minors) have right to education. Particularly, according to articles 56 and 58 of the Law, asylum-seekers, refugees, and humanitarian status holders enjoy the right to acquire pre-school and general education in the same manner as citizens of Georgia and the child's status as a refugee or an asylum-seeker, does not deprive the child of his or her right to get education in Georgia. During the recent years, there has been elaborated special Georgian language studying courses for asylum-seeker, refugee and humanitarian status holder children, therefore, they have access to the Georgian language courses before entering the school. Beneficiaries have full access to the pre-school and general educational programs applied in Georgia. Moreover, in order to protect rights of children in the process of irregular migration, the MIA Academy provides law enforcement officials with relevant trainings. During the reporting period and within the relevant educational (training) courses, such as the special professional educational program for the training of border guards, training for raising the qualifications of employees of the Migration Department, the special professional educational program for the basic training of police officers, professional educational program for the training of border guards of the Land Border Defence Department of the Border Police and special professional educational program for the training of patrol-inspectors, employee of the MIA participated in the trainings/re-trainings on the issues of the legal status of refugees and asylum seekers.

The above-mentioned trainings covered the following issues:

- ✓ Basic requirements of the 1951 UN Convention on the Status of Refugees;
- ✓ 5 conventional grounds for which a person may be persecuted from his country of origin;
- ✓ Legal requirements and functions of the MIA with regards to the asylum seekers; • Identification of asylum seekers;
- ✓ Asylum seeker referral mechanisms at the border.

In 2020, an electronic course - "Status of Asylum Seekers and Refugees" - was created at the MIA Academy. Within the framework of the course, police officers of the MIA received trainings on the issues of asylum and refuge.

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- ✓ Grounds for detention;
- ✓ Determination of types and categories of countries issuing travel documents;
- ✓ Identification, residence and other types of certificates of different countries;
- ✓ Georgian visas and validity periods.

Legal status of the child

The Care Agency, as a guardianship and care body, is actively involved in supporting asylum seekers, refugees or persons with humanitarian status, including persons with disabilities in Georgia, which includes arranging documentation and, if necessary, placing them in various alternative care services.

Within the framework of the group working on documentation issues in 2020-2021, temporary identification documents for unaccompanied children without identity documents were prepared for 9 minors and the deficiencies in the documentation were corrected for 25 minors within the framework of the law "On registration of citizens of Georgia and foreigners living in Georgia, identity (residence) certificate and the procedure for issuing a passport of a citizen of Georgia".

Protection from abuse and violence

In the case of child abuse, the care agency, together with other involved agencies, acts according to the procedures set in the Resolution N437 of the Government of Georgia of September 12, 2016 - "On the approval of referral procedures for child protection".

Since working on cases of violence is one of the most difficult directions, the care agency understands its own responsibility, shares the child's multidimensional needs, traumatic experience, safety, and any decision is made taking into account the best interest of the child. It intervenes with minors, who are victims of violence with the involvement of various specialists. Initial intervention on the occasion, safeguarding the safety of the minor, determining the form of care (if necessary), the need to involve support specialists, planning and implementation of the process of support and empowerment are understood and based on professional analysis. The social workers, together with other involved specialists, evaluate the minor, his family and the environment, use holistic and systemic approaches, identify biological, psychological and social aspects, evaluate and define an action plan. The need for intervention and the duration are based on the individual approach in each case depending on the type of trauma of the minor and the duration of the rehabilitation process.

In 2022, a psycho-social service center for children victims of sexual violence against minors was launched in Tbilisi. During the investigation of the case of sexual violence, the child has to go through a long and stressful process in different institutions, which may lead to re-traumatize of the child, therefore it is important for the minor to receive services in a calm environment adapted to him/her, on a one-stop basis. The above-mentioned center will prevent re-trauma, stabilize the psycho-emotional state of the child, provide psychological and social rehabilitation and monitor the case. From March to September 2022, 80 minors benefited from the services of this center.

Rights of children in state care:

In 2021, there were two large children's institutions under the Care Agency, "Kojori Boarding Home for Children with disabilities" and "Tbilisi Infant Home". In 2021, "Kojori Boarding Home for Children with Disabilities" was closed and the children were placed in different alternative care services - a small family group homes. Also, in 2021, some of the children from the orphanage were transferred to the department for children with special needs. In addition, the agency's plan is to replace the large-scale children's institutions with alternative care services, and for this purpose, it is actively working on the process of deinstitutionalization of Tbilisi children's infant home. It should be noted here, that the Agency has a clear vision regarding the need to deinstitutionalize large institutions and shares the negative impact of large institutions on various aspects of children's development.

1449 minors were placed in foster care in the period of 2018-2021. During the indicated years, 445 minors were returned to the biological family with the help of the biological family reintegration sub-program.

In its opinions for 2015, the Committee appealed to the Government of Georgia to provide information on the measures implemented to improve access to education for Roma children and access to inclusive education for children with disabilities.

In addition, the Committee would like to receive information on the extent to which children have access to compulsory education, regardless of their residence status, including children in an irregular situation. Finally, the Committee intends to receive information on measures taken to improve school attendance.

Early and preschool education

The principles of inclusive education are embodied in the Law of Georgia on Early and Preschool Education and in Early and Preschool Education State Standards.

In accordance with the Law of Georgia on Early and Preschool Education, the Ministry of Education and Science of Georgia prepares methodological resources based on the inclusive education principles and provides the municipalities with access to such resources.

Within the competence of the Ministry of Education and Science of Georgia, various guidelines have been developed over the past three years to improve inclusive preschool education for children with disabilities and with special educational needs in early and preschool education institutions. Educational resources provide inclusive education support for parents, for community and for all stakeholders involved in the field.

An online training module has been updated for representatives of the municipality-level kindergarten association/agency. The training module includes issues relating to inclusive preschool education support.

In 2020 and 2021, inclusive education training was held in 10 municipalities of Georgia involving preschool education specialists from the local nurseries' union and the local resource centers. The training focused on such issues as: child development milestones, developmental delay in children and various developmental disabilities, inclusive education principles, play, strategies for working with children. A total of 567 kindergarten educators participated in the training involving the municipalities of Kharagauli, Kareli, Chiatura, Borjomi, Sachkhere, Kobuleti, Baghdati, Ozurgeti, Mtskheta, Chokhatauri.

In 2021, 51 educators from Rustavi and Lanchkhuti kindergartens underwent behaviour management training. The training covered such issues as: causes and goals of challenging behavior, ABC model of behavior management, positive reinforcement, group management strategies.

Collaboration between Ilia State University and Gordon College of Education (Haifa, Israel) is underway to develop a framework document and models for improving academic accessibility and inclusion.

Over the past few years, the Ministry of Education and Science of Georgia has implemented effective measures to ensure school attendance of all children in Georgia and prevent student absenteeism. In Georgia, full general education (12 years) is available free of charge to all children regardless of citizenship or residence permit. For example, up to 7,000 students not holding a residence permit or Georgian citizenship were attending schools in 2022. Every school is required to admit all children without any delay. Elementary (continuing through 6th grade) and primary (referring to only first 3 grades) education is mandatory. Keeping a child out of compulsory education is considered a child abuse under Georgian legislation, and the State implements appropriate measures to protect the child, in accordance with Government Resolution No. 437 dated 12 September 2016 regarding the approval of referral procedures for child protection. Each school is required to exercise strict control over systematic student absenteeism, more specifically, it must make enquiries in case of 10 days of absence in a row, and invite social workers to get involved - in case of 20 days of absence in a row. It should be noted here that starting from 2018, social work began to be integrated into the education system. As of 2022, there are already 65 social workers working throughout the country.

On 10 September 2020, By Resolution N573, the Georgian government approved the State Programme for Monitoring Out-of-school Children. The programme enabled identifying out-of-school children (6 to 16 years of age) through the exchange of data between the agencies concerned. The programme was developed by the Ministry of Education and Science of Georgia, through the involvement of relevant structural units, in cooperation with LEPL Public Service Development Agency, the Ministry of Internal Affairs of Georgia, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the Office of the State Inspector, with the support of the Ministry of Justice of Georgia. Until 2020, there was no system for monitoring out-of-school children, who have never been enrolled in school, have no educational background, and there is no data on them in the database of the education management information system. The Programme identifies children who do not/cannot participate in compulsory education, among them:

611 children are in palliative care due to their serious health condition, or, due to their severe and multiple disorders, cannot benefit, in the opinion of family and municipal service representatives, from general education services, and in some cases, even from other existing services.

70 children are kept out of formal education due to the ethnic-cultural characteristics of the communities they belong to: 25 of them live in the Roma and Moldovan Roma communities, and 45 - in the nomadic Azerbaijani families, who have traditionally been cattle breeders and their children too are engaged in work.

In each case mentioned above, work is underway to protect the rights of children. It should also be noted that up to 400 Roma children participate in general education. To promote their and other vulnerable groups' integration, the Social Inclusion Programme is implemented, which envisages carrying out additional non-formal education programmes to help vulnerable children join the group of their peers, based on their interests.

During the 2021-2022 academic year, the Office of Resource Officers of Educational Institutions - Center for Psychosocial Services selected 190 schools across Tbilisi to carry out the vulnerability indicators-based assessment of risks associated with minors holding a student status, of whom 60 belonged to the Roma (Moldovan Roma) ethnic group. The assessment revealed the low involvement in the education process and the risk of dropping out of school at the secondary level caused by the lack of motivation and the language barrier affecting the learning process in Georgian. As a response to this, a social project was developed, envisaging individual work with students (17 students) and their families, as well as with the school community. Within the framework of the project, a Georgian language and mathematics study group was set up. Within this group operating under the school, 10 students received respective services by a specialised teacher. The same year, 2 students from the Roma community, who had their status suspended, were reinstated due to the work done by the social worker.

During the fall semester of the 2022 academic year, work will continue in this regard at both schools N190 and N8, and efforts will be further made to continue intensive engagement with the aforesaid community. At this stage the process of identifying needs is underway. The aim of this process is to improve access to education for Roma children by raising the awareness of their community and intensive communication with them.

The general education system is inclusive, providing quality education for all, regardless of the student's physical, cognitive, social, emotional or other characteristics. Before enrolling a child with special needs at school, the legal representative can apply to the Ministry of Education and Science of Georgia, using the application attached. The Ministry's multidisciplinary team, which is composed of psychologists, specialised teachers, psychiatrists, child development specialists, assesses the educational needs of the person concerned and gives recommendations to the parents and the school to organize the educational environment, and consults the parents in the school selection process. Needs assessment is free. Inclusive education support services (specialised teacher, psychologist, personal assistant, orientation and mobility specialist, sign language interpreter, resource room, integrated class) at public schools are also provided free of charge.

There are 7 specialized schools in Georgia:

For students with mental retardation, severe and multiple disabilities - 2 specialized schools in Tbilisi, 1 in Akhaltsikhe and 1 in Chiatura. Except for 1 school in Tbilisi, the other 3 schools provide boarding facilities for students living in other municipalities.

For students who are deaf and with hearing impairments - 1 in Tbilisi and 1 in Kutaisi. Both schools provide boarding facilities for students living in other municipalities.

For students who are blind and visually impaired - 1 school in Tbilisi. The school provides boarding facilities for students living in other municipalities.

The specialized boarding schools provide their services free of charge.

There are up to 640,000 students in Georgia and about 11,000 of them are with special educational needs.

According to the 2022-2030 Unified National Strategy of Education and Science of Georgia, the development of equal, inclusive and diverse education and science system is a priority of the country.

An inclusive educational environment is provided at the pre-school, general, professional and higher education levels in Georgia. Every person, regardless of their socio-economic status, place of residence, ethnicity/language, special educational needs and disabilities, has access to high-quality educational services throughout the country.

The multidisciplinary team, whose function is to assess the cognitive, academic and functional skills of individuals/students through standardized tests and to issue learning and teaching recommendations for schools includes various specialists (psychologist, specialised teacher, occupational therapist). At this stage, the multidisciplinary team consists of 52 members and covers the entire territory of Georgia.

In order to assess the person and determine his/her special educational needs, the parent/legal representative/school can contact the multidisciplinary team of the Ministry. For this, an application form must be filled out and sent to the Ministry, after which a member of the multidisciplinary team contacts the parent/school and assesses the student's/person's academic, cognitive, and functional skills through standardized tests. Based on the assessment, an opinion is written, which includes description of student's abilities, recommendations on organizing the educational process, and an indication whether the student concerned needs an additional specialist (psychologist, occupational therapist, speech therapist, sign language interpreter, sign language specialist, orientation and mobility specialist, assistant to a person with special educational needs). The opinion is delivered to the school, which is then responsible for providing appropriate conditions for the student.

In order for general education institutions to be able to provide the appropriate educational environment and teaching process for students with special educational needs, the Ministry has defined the registration of students with special educational needs as the first stage of registration of first graders from 2019, followed by the assessment and identification of special educational needs of future first graders by the multidisciplinary team. This allows the school to determine, before the beginning of a new academic year, what provisions it should make for ensuring the student needs-based educational process.

The Ministry is developing many auxiliary resources, guides, manuals, which serve to facilitate the learning process for students with special educational needs and are intended for field specialist, teachers, and parents. With the involvement of field experts, the Ministry prepared an alternative curriculum for students with profound and severe developmental disability and autism spectrum disorder; a sensory curriculum, orientation and mobility standard, expanded code curriculum for visually impaired students, Georgian sign language teaching standard.

Textbooks for visually impaired students are printed in Braille, and audio textbooks (IV-IX) are also prepared. In order to support the education of visually impaired students, the Ministry purchases technical aids such as Braille, CCTV and others. Infrastructural projects are underway, within the framework of which educational institutions are being adapted to pupils and students with different needs. Students with special educational needs are provided with transport services.

In 2018, an amendment was made to the Law of Georgia on General Education, based on which a specialised teacher is defined as one of the teacher positions; requirements to be met to hold the position of a specialized teacher are specified; the standard of a specialised teacher is approved, specialised teacher's career advancement and professional development scheme is determined; since 2021, specialised teacher's qualification exam has been held every year. Specialized teachers having successfully passed the exam are granted a respective status and an additional pay corresponding to the status. Order on the introduction, Development and Monitoring of Inclusive Education, as well as on the Mechanism of Identification of Students with Special Needs (Order N16/N of 21 February 2018) was approved. The Order regulates the progress of inclusive education at school, the process of determining the status of special educational needs by a multidisciplinary team, and specifies additional specialists who, if necessary, should work with a student with SEN - psychologist, occupational

therapist, speech therapist, sign language interpreter, sign language specialist, orientation and mobility specialist, assistant to a person with special educational needs.

During the COVID-19 pandemic, the schools not providing online teaching were enabled, at a parent's request, to shift students with special educational needs to distance learning. Where it was not possible to offer online schooling to students with special educational needs, the school was obliged to provide such students with face-to-face services of a special teacher, a teacher, other specialists involved in inclusive education, in accordance with the safety rules, within the school space.

Recommendations were prepared for the administrations of general educational institutions, teachers, inclusive education specialists, parents and other representatives of schools, regarding the organization of the learning process for students with special educational needs, during face-to-face and distance learning, in order to ensure the involvement of students with special educational needs in the learning process.

The school funding model has changed since 1 September 2013, and the schools admitting students with special educational needs receive additional funding to support their education. In 2013, the amount of funding was 350 GEL per month for every five students with special educational needs, and in 2022, the funding will increase to 700 GEL per month.

Vocational Training

The Ministry of Education and Science of Georgia started to incorporate inclusive education into Georgia's vocational training system in 2013.

Today, formal vocational education for persons with disabilities/special educational needs is available in vocational education institutions throughout Georgia. Persons with disabilities/special educational needs are enrolled into vocational programmes via an alternative procedure, which is fully adapted to the individual needs and abilities of the person concerned.

Starting from 2017, in order to support the vocational education for students with disabilities/special educational needs, the Government allocated additional quarterly voucher funding in the amount of 1000.0 GEL (Decree of the Government of Georgia N244. 19.09.2013 "Determination of the rules and conditions of vocational education financing and vocational education programs On the approval of the maximum amount of tuition fees in the educational institutions founded by the State "). VET students can use the funding based on their individual needs. The funding covers support with vocational/human and material resources.

The physical environment in four vocational educational institutions has been adapted according to universal design principles. Educational resources such as an electronic bank of gestures corresponding to professional terminology (SignWiki), a telephone application of the said bank, audio versions of professional manuals have been created. Portable video magnifiers are available in some professional educational institutions.

To ensure equal access to vocational education for persons with disabilities and special educational needs, the following forms of support and special services are provided directly in the educational process:

- ✓ Support of an inclusive VET specialist;
- ✓ Support of a training process assistant;

- ✓ Personal assistant support;
- ✓ Sign language interpreter support;
- ✓ Orientation and mobility specialist's support;
- ✓ Escort of a blind person;
- ✓ Voice trainer;
- ✓ Assistance with mobility and transport;
- ✓ Preparation of supporting teaching materials/resources;
- ✓ Individual study plan;
- ✓ Provision of auxiliary devices;
- ✓ Transportation support

A vocational orientation procedure for persons with disabilities and special educational needs has also been developed. For the purposes of this vocational orientation procedure, the Ministry has created a methodological component of the vocational interests survey tool and a visual resource tailored to people with different needs and abilities.

Higher Education

The legislation in force provides for appropriate support services for university entrants with disabilities so that they can participate in the unified national examinations on equal terms with other students, based on the principle of reasonable accommodation.

In accordance with the authorization standards of the higher education institution, the higher education institution ensures that students, based on their different requirements, special educational needs and academic backgrounds, are offered relevant forms and conditions of teaching and learning, assessment, adapted classroom environment and, where necessary, appropriate human resources.

The Ministry of Education and Science of Georgia offers social programmes to provide state-funded scholarship grants and Master's scholarship grants to students from various socially vulnerable groups, as well as to students with severe/serious/moderate disabilities. During the 2021-2022 academic year, within the framework of the social programmes, state-funded scholarship grants were awarded to 52 students at the first level of higher education, and to 13 Master's students.

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

a) What measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention? (General question, Conclusions 2019).

One of the main goals of LEPL National Center for Teacher Professional Development is to promote education as a valuable asset at schools, and it is essentially important in this process to protect the rights of the child and take into account its interests, so that all children have access to quality education and their rights are duly protected; accordingly, in order to promote human rights education and prevent bullying at schools, the Center conducted trainings in the following areas:

1. "Framework of Competences for Democratic Culture" (face-to-face format)

- 2017-2019 - up to 200 teachers
- 2. "Competences for Democratic Culture" (online format)
 - 2020 - 303 participants;
 - 2021 - 689 participants.
- 3. Training module: "Preventing bullying and building culture of tolerance at schools (children's rights)"
 - 2018 - 5740 participants
- 4. Training module: „General course for civic education teachers”
 - 2020 - 27 participants;
 - 2021 - 65 participants.
- 5. Training module: „Creating a safe learning environment at school for integration of students with international protection into school community"
 - 2018 - 180 participants
- 6. Training module: "Teaching peace - peace processes"
 - 2021 - 521 participants.

Bullying

The Office of Resource Officers of Educational Institutions - Center for Psychosocial Services offers services to students with behavioral and emotional disorders. Within the scope of working with students, the Center works with child-related entities as well, and carries out activities tailored to the needs of the child, including intervention in the school space.

The Center for Psychosocial Services conducts awareness-raising and educational meetings throughout Georgia, upon request from public schools. Such meetings focus on school-requested topics, including on violence/bullying.

In 2019-2021, a pilot program for the prevention of violence against children and drug abuse was implemented in 11 public schools of Georgia by the Office of Resource Officers of Educational Institutions - Center for Psychosocial Services.

The aim of the pilot program was to enhance the school's extra-curriculum activities. One of the tasks of the pilot program was to promote violence-free school environment (including bullying prevention and response).

As a first measure of violence prevention, a module on identification of and response to violence (including: bullying, cyberbullying) and risky behaviours was prepared. Within the framework of the module, staff members of the pilot schools were retrained regardless of their position and role (representatives of both teaching and non-teaching staff, including doormen, cleaners, others).

Out of the retrained teachers, resource teachers were selected, who underwent additional training and then, based on the material they received, and with the use of the module created for this purpose, they provided training to parents.

Equal Educators' Manual on prevention of and response to bullying was prepared, and the selected teachers were trained based on this manual.

Three support materials, animated films on prevention of and response to violence/bullying were prepared.

Rules on prevention of and response to violence/bullying were developed in all schools, by students, parents and the teaching staff.

After that, values were prepared by students at each educational level. An agreement was then reached on the selected school value. The selected value was reflected in the school slogan. The concept of restoring values in case of their violation was developed. The purpose of the concept is to shape desired behavior for the Buller by encouraging the same behavior among other students.

A response to bullying scheme was developed, which helps restore the violated value or positive disciplining launched by the school to prevent or respond to bullying. A protocol of procedures for responding to bullying was also developed. By establishing the principle of responding to bullying, the protocol helps schools determine who (individual or agency) and when should be involved in the process.

In addition to the processes mentioned above, representatives of the Centre were intensively conducting activities aimed at raising awareness about bullying/cyberbullying.

Schools introduced proactive classes that are focused on improving the classroom climate, discussing/solving the existing problems, and exchanging views on various topics of interest to students.

Improving student attendance

During the programme piloting period (2019-2021), a resource was developed for specialists to help them identify the reasons why a student is absent from school.

The Centre for Psychosocial Services prepared a guideline on how to reduce student absenteeism at school.

Working meetings were held with teachers regarding student absenteeism. Based on the needs identified, teachers received individual consultations and individual work began with students and their families, as needed.

Various types of absenteeism prevention activities and best attendance weeks were organized at schools.

Starting from 2021, the Psychosocial Service Centre began to implement the school social work component, and by the end of the year indicated above, the centre was represented in 36 public schools of Georgia (including 11 pilot schools).

All the bullying and truancy prevention measures the Center carried out in pilot schools (see above) began to be implemented step by step in schools incorporating the social work component.

It should be noted that in accordance with the amendment to the Order #04/N of 11 January 2017 of the Minister of Education and Science, in order to prevent the student status suspension, with the involvement of social workers of the Office of Resource Officers of Educational Institutions - Center for Psychosocial Services, 144 applications were assessed and responded to in 2021.

In 64 cases, children got back to school, and in the remaining cases - children had their student status suspended, the reason being their moving abroad, or, in some cases, their enrolment at a vocational school. Social workers of the Office of Resource Officers of Educational Institutions - Center for Psychosocial Services are responsible for identifying the reasons for each student's absence from school, managing the case, consulting the student concerned and his/her parents, keeping the student motivation level high and facilitating the process of getting children back to school.

b) What measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children's specific learning environments)? (General question, Conclusions 2019).

New National Strategy of Education and Science 2022-2030 was recently approved. One of the important policy visions of the Ministry is to improve governance model of educational institutions and create a safe learning environment focused on the holistic development of students. The action plan envisages development and piloting of a methodological guide for school democratic governance.

In this regard, in order to strengthen democracy in Georgia through increased participation of young people in the decision-making processes at the local level through democratic citizenship education and practices in schools, the project “Democracy starts in schools – the role of schools in developing a culture of democratic participation in Georgia” is implemented in 20 pilot schools, located in different regions including rural and high mountain regions. At the initial stage of the project, 20 principals, 250 teachers and 1000 students will be involved in the survey.

The project will support implementation of a series of measures that are needed to create more opportunities for participation for school children and motivate them to take part in the decision-making processes in schools and communities. More specifically, the project will help develop methodological guidance for schools on the democratic school governance, will support school directors as key actors in this process and enable them to provide strategic leadership, will support school projects implemented in partnership with civil society organizations and other community actors, and will support school children in developing and implementing projects in their schools and communities.

c) *What measures have been taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children)?*

During the pandemic, the Ministry swiftly made available a wide array of various online tools and platforms, such as E-library, Feedc Edu and Silkschool. Virtual classrooms were created for all school classes and subjects in Microsoft Teams. The Ministry together with Georgian Public Broadcaster’s First Channel launched an educational project titled – “TV-School” (“Teleskola”), which started on March 30, 2020. TV lessons were broadcast in the ethnic minority languages and sign language interpretation of lessons was provided, with the aim to leave no one behind. The Ministry also launched the project – “Web School” for university entrants, helping them to prepare for Unified Entrance Examinations.

In the course of the Pandemic, the education system has been managed to adapt to the changing epidemiological situation, by providing hybrid mode of teaching and providing the opportunity to choose between in-person and online schooling methods.

During the COVID-19 pandemic, the schools not providing online teaching were enabled, at a parent's request, to shift students with special educational needs to distance learning. Where it was not possible to offer online schooling to students with special educational needs, the school was obliged to provide such students with face-to-face services of a special teacher, a teacher, other specialists involved in inclusive education, in accordance with the safety rules, within the school space.

Recommendations were prepared for the administrations of general educational institutions, teachers, inclusive education specialists, parents and other representatives of schools, regarding the organization of the learning process for students with special educational needs, during face-to-face and distance learning, in order to ensure the involvement of students with special educational needs in the learning process.

In addition, the school funding model has changed since 1 September 2013, and the schools admitting students with special educational needs receive additional funding to support their education. In 2013, the amount of funding was 350 GEL per month for every five students with special educational needs, and in 2022, the funding will increase to 700 GEL per month.

d) *Please provide information on the measures taken to ensure that state allocation of resources to private education does not negatively impact on the right of all children to access free, quality public education (based on a Statement of Interpretation from Conclusions 2019).*

e) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Financing allocated from the State is in the form of a voucher, which is linked to an individual student. The allocated money is transferred to schools both public and private. Thus, a school receives money according to the number of students. Currently, the Ministry is working on new financing model for schools which will consider the mentioned issues. Comprehensive research will be conducted and as a result of the research, new model will be elaborated. General education will be funded according to the new scheme from September 2025. The model will envisage performance-based funding scheme, which will have a positive impact on decrease of performance-gap in the regions.

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

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

- 1. to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;**
- 2. to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;**
- 3. to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;**
- 4. to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:**
 - a) remuneration and other employment and working conditions;**
 - b) membership of trade unions and enjoyment of the benefits of collective bargaining;**
 - c) accommodation;**
- 5. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;**
- 6. to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;**
- 7. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;**
- 8. to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;**
- 9. to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;**
- 10. to extend the protection and assistance provided for in this article to selfemployed migrants insofar as such measures apply;**
- 11. to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;**
- 12. to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.**

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Paragraph 1 - Assistance and information about migration Changes in the policy and legal framework

Development of migration management system in Georgia was given a strong impetus by an accelerated process of Georgia's approximation with the European Union.³⁶ During this period, migration strategy (MS) documents for 2013-2015 and 2016-2020³⁷ were drafted to set up and improve the migration management system. The MS 2016-2020 took into account the lessons learned from implementation of the previous Strategies and was adjusted to the new realities, which were introduced in 2015 by the Association Agreement and Visa-Liberalization Action Plan. Thus, the Strategy offered a firm ground for carving strategic goals for the years to come and formulate corresponding objectives through the prism of 'migration and development' - something that, during the last decade, has been applied as a long-term profit oriented approach to the national policy and local strategies. In the course of implementation of the Strategy, new challenges emerged resulting from the major shifts and transformations that occurred in the sphere of migration at national, regional and global levels. Therefore, the 2021-2030 Strategy was thought to be adjust to the new realities and continue addressing modern challenges.

The new Migration Strategy for 2021-2030 was elaborated in 2020 with the aim to shape a major policy framework and serve as a guidance for Georgian state authorities, as well as its partner international and non-governmental organizations in the field of migration for the upcoming decade. The Strategy defines key sectoral priorities in the field of migration such as: enhancement of migration management system itself as well as facilitation of legal migration, fight against illegal migration, reintegration of returned migrants, engagement of diaspora in country's development, development of asylum system and integration of foreigners. The MS was elaborated according to the new governmental regulations enforced from 1st January 2020 (in the framework of EU backed Public Administration Reform) prescribing all state agencies to produce all national / sectoral policy documents according to certain logic and structure (including situational analysis, goals and objectives, etc.), and accompany them with logical framework. The MS 2021-2030³⁸, was adopted by the government based on its Ordinance #810 dated 30 December, 2020, and took effect from 1st January, 2021.

The long-term vision of the Strategy is based on the notion of 'migration and development', is viewed as an advanced approach aiming at minimizing negative³⁹ aspects of migration against increasing its positive⁴⁰ effects, that in turn should maximally be applied for the country's development.

Target Groups of the Strategy

- Georgian citizens residing on the territory of Georgia;
- Georgian citizens residing abroad and diaspora representatives;
- Migrants returned to Georgia (with the special emphasis on migrant women);
- Persons enjoying international protection and those seeking asylum in Georgia;
- Persons having a stateless status in Georgia;
- Foreigners residing in Georgia with various legal grounds.

³⁶ European Neighborhood Policy (2003); Eastern Partnership Initiative and Mobility Partnership (2009); Visa Facilitation and Readmission Agreements (2010); Visa Dialogue (2012); Visa Liberalization Action Plan (2013-2015); EU-Georgia Association Agreement (2014); Visa-free travel and implementation of VLAP long-term tasks (2017 and onwards).

³⁷ http://migration.commission.ge/index.php?article_id=216&clang=1 (accessed: 08.12.2020).

³⁸ https://migration.commission.ge/index.php?article_id=216&clang=1

³⁹ Such as - emigration of high-skilled citizens and along with it the brain drain and/or failure in fully using own potential and skills; population reduction, especially of capable workforce and reproductive age; illegal migration, which *inter-alia* puts under a significant risk the possibilities for the protection of illegally staying migrants' rights, especially in cases of women and vulnerable groups; heavy psycho-social situation in migrants' families; etc.

⁴⁰ Such as - legal migration; reduction of poverty, business development and access to education and healthcare in the country of origin as a result of proper management of migrant remittances; application in their own country the knowledge and skills gained by returned migrants in developed countries; also, bringing along modern technologies, values, ideas and innovations; diaspora's engagement in the country development (investments, development of trade and entrepreneurship, promotion of the country to attract tourists); using immigrants' potential, etc.

Free services and information for migrant workers

With regard to the conclusion of ECSR on the guideline rules on issuing residence permit it is worth mentioning that consideration of residence permits issues and making the final decision is made based on the following legal acts: The Law of Georgia “on the Legal Status of Aliens and Stateless Persons” and #520 Ordinance of September 1, 2014, issued by the Government of Georgia, “on Approval of the Procedures for Reviewing and Deciding the Granting of Georgian Residence Permits”.

As for ECSR conclusion on the issuance of residence permit to the family member, it should be noted that from May 12, 2021, new amendments to the Law of Georgia on the "Legal Status of Aliens and Stateless Persons" came into force and in this regard, the concept of “family member” was narrowed. In particular, "family member" is determined as - the spouse of a foreigner or a person having a status of stateless person in Georgia, a minor child, a minor under guardianship or custody, and/or a fully dependent minor; A parent of a foreign minor or a stateless minor with such a status in Georgia; foreign spouse of a citizen of Georgia, minor child, minor under guardianship or care and/or an entirely dependent minor, parent of a minor citizen of Georgia. Adult children are thus excluded from the scope of family members⁴¹. If a family member of a labor migrant has other legal grounds for issuing a residence permit, he/she can obtain a corresponding one (for instance: for the purpose of study, a short-term residence permit based on the right of ownership on immovable property on the territory of Georgia and etc.).

The evaluation and discussion on the topic whether the issuance of a residence permit to a family member poses risks or not, from the point of view of the state and/or public security, is beyond the competence of PSDA. The criteria of possessing risk to the security of the state is assessed by competent Georgian Authorities based on which PSDA renders decision on refusal/satisfaction of request on issuing residence permit to a family member.

As for the visa application review procedure, it is described in the Law of Georgia "On the Legal Status of Foreigners and Stateless Persons" and Resolution No. 280 of the Government of Georgia dated 23 June 2015 on “the approval of the procedure for issuing a Georgian visa, extending and terminating its validity”, together with its Annex.

Based on the above-mentioned normative acts, the visa issuance procedure is as follows:

To obtain a visa, the following documents shall be submitted to the visa-issuing authority:

- ✓ visa application;
- ✓ travel document;
- ✓ document confirming the payment of consular fees/official duties, unless the foreigner is exempted from paying consular fees/official duties;
- ✓ a document confirming representative authority, if the visa application or other document required for obtaining a visa is submitted through a person with representative authority;
- ✓ a document confirming the payment of a fine, if the foreigner has been charged a fine established by the legislation of Georgia for illegally staying in Georgia;
- **Documents indicating:**
 - ✓ purpose of a trip;
 - ✓ *availability of sufficient funds for his/her travel and stay* in Georgia;
 - ✓ availability of travel insurance, and if a visa is issued to a person legally staying in Georgia – availability of health insurance;
 - ✓ the fact that the foreigner has a place of residence in Georgia;
 - ✓ if transiting through the territory of Georgia, the guarantees that the person concerned shall enter the country of destination, except when transit visas are issued to principal and co-drivers of a cargo vehicle at the state border of Georgia during international carriages of cargo.

Submission of the aforesaid documents shall not be required for the issuance of diplomatic and short-term special visas, as well as of ordinary visas.

- For issuing a visa to a minor and/or to a person recognized as a recipient of support or as a disabled person under the legislation of a relevant country - the consent of legal representative/representatives.

⁴¹ adult children have the opportunity to get a short-term residence permit if the family member owns immovable property on the territory of Georgia

- For issuing visas to persons staying in countries with a risk of infectious or another communicable disease outbreaks – an evidence of vaccination or a health certificate .
- Invitation;
- Travel/health insurance.

If necessary, the visa issuing authority shall be authorized to request additional documents or a specific type of document.

After submitting a signed visa application and hardcopies of all other necessary documents, the visa issuing authority shall verify whether the application is admissible. Checks, more specifically, concern:

- whether a visa application has been submitted in a due form;
- whether a travel document has been submitted and whether it meets the established requirements;
- whether a visa fee/official duty under the legislation of Georgia has been paid, unless otherwise provided for by the legislation of Georgia

If any of the above-mentioned documents has not been submitted to the visa issuing authority, the visa application shall not be deemed to be admissible and shall not be reviewed. A foreign national applying for a visa shall be informed on the admissibility of his/her visa application.

If the documents provided for by law are furnished to the visa issuing authority, the visa application shall be deemed to be admissible (submitted) and the visa issuing authority shall start reviewing it. If the visa application is deemed admissible, an information card shall be sent/ handed to a foreign national applying for a visa.

When reviewing a visa application, the visa issuing authority shall explore whether there are grounds for refusing to issue a visa.

If it turns out that any document/information necessary for issuing a visa has not been submitted to the visa issuing authority or has been submitted in an undue manner, the visa issuing authority may notify the foreign visa applicant of this fact and allow him/her the time for rectifying the situation. If the situation is not rectified within the established time-limit, the visa issuing authority may decide to terminate the visa issuing procedure.

If necessary, the visa issuing authority may require from the foreign visa applicant submission of an additional document/information, and/or invite the foreign visa applicant and/or his/her representative for an interview to obtain additional information necessary for issuing a visa, or to verify the authenticity and accuracy of the submitted documents/information.

A visa application review shall be based on the authenticity of the documents submitted, and on the accuracy and credibility of the information provided by the applicant.

A previous refusal to issue a visa shall not automatically entail a refusal to issue a new visa. A new visa application shall be reviewed based on all available information.

If a visa applicant is no longer interested in obtaining a visa, he/she may apply to the visa issuing authority and request termination of the visa issuing procedure. The visa issuing authority shall terminate the visa issuing procedure if the decision to issue a visa has not been made. If the Ministry and the diplomatic representation terminate the visa issuing procedure, a decision on the termination of a Georgian visa issuing procedure shall be made in the form prescribed by law.

The visa issuing authority may terminate the visa issuing procedure at its own initiative if it is found that one and the same person has applied for several visas on the same terms and conditions.

To identify the grounds for refusing a visa, the Ministry of Foreign Affairs and/or the visa issuing authority shall have the right to request relevant information from state agencies, as well as from natural and legal persons,

which shall provide the requested information to the visa issuing authority within the time limits established by law.

As for the Committee's question as to whether the assistance is available to non-Georgian migrants on their arrival, Georgia offers a national integration program for asylum seekers and for those holding refugee or humanitarian protection status. The program includes various components aimed to assist immigrants' integration into society and to improve their social and economic conditions.

In terms of social protection, persons with international protection status are included into the state program of targeted social assistance; as for healthcare, asylum seekers also benefit from the universal healthcare program.

Asylum seekers and persons with international protection status have access to employment promotion state programs and professional development programs.

Measures against false propaganda about emigration and immigration

Raising awareness is one of the important tasks of 2021-2030 Migration Strategy of Georgia⁴², namely, "Raising public awareness about the potential of immigrants", within the framework of which various activities are determined every year and are carried out by the Government together with international partners.

The aforesaid activities are aimed at informing the beneficiaries and service providing state and non-state organizations about the available services and opportunities. In addition, various video clips are distributed via various information and social platforms.

Paragraph 2 - Departure, Travel and Arrival

IN response to the question of the committee, whether all migrants benefit from social assistance programs, similar to persons with permanent residence on a legal basis, we would like to inform you that according to the Law of Georgia "On the Legal Status of Foreigners and Stateless Persons", a foreigner permanently residing in Georgia has the same rights to assistance, pension and other social security similar to the citizen of Georgia.

In addition, the Law of Georgia "On Social Assistance" applies to persons in need of special care, poor families and homeless persons permanently residing in Georgia on a legal basis. Accordingly, citizens of foreign countries living in Georgia on a legal basis receive a state pension, targeted social assistance, a social package, benefit from the state program of social rehabilitation and child care, similar to Georgian citizens.

One of the determining factors for inclusion in various social protection programs is a person's citizenship status. A prerequisite for receiving targeted social assistance is permanent residence in Georgia on a legal basis, however, with changes in normative acts, temporarily residing citizens, such as refugees, persons with humanitarian status, and stateless persons with status in Georgia, also gained the right to receive assistance. In the case of placement of children in state care services, citizenship status is not taken into account.

The state pension is issued both to citizens of Georgia and to stateless persons with status in Georgia, and to citizens of foreign countries permanently residing in the territory of Georgia during the last 10 years at the time of filing the application for the appointment of a pension. Senior citizens are provided with a state pension, the basis of which is 60 years for women and 65 years for men.

A social package is issued for persons with disabilities, children with disabilities, survivors, for the territorial integrity, freedom and independence of Georgia, as well as for persons with disabilities from combat operations in the territory of other states and other specific categories of beneficiaries.

The effect of the social package, similar to the state pension, applies both to citizens of Georgia and stateless persons with status in Georgia, and to citizens of foreign countries permanently residing in the territory of Georgia during the last 10 years at the time of filing the application for the appointment of a pension.

In parallel with the monetary programs, taking into account the identified needs and existing priorities, the state implements the social rehabilitation and child care program, which includes preventive and supportive: rehabilitation/habilitation of children; sub-programs of providing shelter for mothers and children, provision of

⁴² <https://matsne.gov.ge/ka/document/view/5074437>

auxiliary means, specialized family-type services for children with severe and profound disabilities or health problems, programs for helping families with children in crisis situations, foster care, providing shelter for homeless children, and etc. The above-mentioned program applies both to citizens of Georgia and to citizens of foreign countries, and participation in it also depends on the citizenship status.

Victims/presumed victims of violence against women and/or domestic violence and/or human trafficking and/or sexual violence and their dependents can use the services of the shelter and crisis center of the LEPL Agency for State Care and Assistance for the (statutory) Victims of Human Trafficking regardless of their race, skin color, language, sex, age, citizenship, origin, place of birth, place of residence, property or rank, religion or belief, national, ethnic or social affiliation, profession, marital status, health status, disability, sexual orientation, gender identity and expression, political or other opinion or other mark.

Psychological-social rehabilitation service center:

There is a psychological-social rehabilitation service center in Tbilisi, which aims to prevent re-trauma for a child victim of violence, stabilize the child's psycho-emotional state, psychological / social rehabilitation and case monitoring.

Support of the Social Worker:

Children of the state care system are legally represented, which involves identifying the needs of the children, supporting them and referring them to the appropriate care services, including the followings:

- ✓ Arranging personal documentation;
- ✓ Enrollment in an education / preschool institution;
- ✓ Referral to rehabilitation services, involvement of a psychologist / psychiatrist;
- ✓ Health condition monitoring, communication with relevant medical institutions;
- ✓ Monitoring of the care and safety of children provided by the foster parents or small group homes caregivers;
- ✓ Promoting communication with the biological family;

Shelter for Victims of Trafficking, Domestic Violence and Gender-Based Violence:

There are five shelters for victims of domestic violence and gender-based violence in Georgia (Tbilisi, Signagi, Batumi, Kutaisi and Gori), which offer beneficiaries housing / shelter, as well as psychological and legal support and organization / receiving of medical services. It is possible to place a person in the shelter with the dependents. In order to use the shelter for victims of violence, it is necessary for a person to be granted victim status, which can be obtained in four different ways:

- ✓ A restraining order is issued against the abuser
- ✓ A protective order is issued against the abuser
- ✓ The person is identified by the relevant authority as a victim of domestic violence / gender-based violence case
- ✓ Status was determined by a special group

Crisis Centers for Victims of Domestic Violence and Gender-Based Violence:

There are five crisis centers for victims of domestic violence and gender-based violence (including victims of sexual violence and trafficking) in Georgia (Tbilisi, Marneuli, Gori, Kutaisi, Guria), which includes the services of psychologists, lawyers and social workers.

National Anti-Violence Advisory Hotline:

116 006 is a consulting hotline that operates 24 hours a day, 7 days per week. When calling the number the beneficiary will be provided with advice on protection mechanisms and services in the country, confidentiality is provided, calls are free for all operators and interviews are available in seven different languages, including English and Russian.

Child Helpline:

111 is a consulting hotline that operates 24 hours a day, 7 days per week. When calling the number, the beneficiary will be consulted on issues related to children, receive the notifications about the facts of violence and will be referred to the relevant services. The call is free for all operators and interviews are available in seven different languages, including English and Russian.

In case of need of state care:

In case of a minor foreign citizen staying in Georgia, who is left without a caregiver, the LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking, as the guardianship and custody body, takes responsibility appoints a legal representative and involves the minor in the following programs:

- ✓ Foster care sub-program
- ✓ Small family group homes sub-program.

Children left without parents / legal guardians will be placed in foster care or in small family group homes. In this case, the legal representative of the children is a state social worker who constantly monitors the legal status and needs of the juveniles in the state care system.

Within the framework of the foster care program, children throughout Georgia live in foster care families, where each family can accommodate a maximum of four minors.

Within the framework of the sub-program for providing services in small family group homes, there are 42 small family group homes in Georgia, where each home can accommodate a maximum of 10 minors.

Providing emergency assistance to migrants

As for the information regarding emergency medical care, we would like to confirm, at the request of the Committee, that labour migrants, regardless of their status, are provided with emergency medical care (ambulance) service. Illegally staying labor migrants, when admitted to hospital for emergency medical aid, have to pay for their treatment themselves.

Services during travel

As for the employer's obligations in case of large-scale recruitment of labour migrants, with respect to medical insurance, safety and social conditions, as well as monitoring and complaints handling mechanisms, the Organic Law of Georgia On Labour Safety establishes the employer's obligation to provide safe and healthy environment for employees. According to Article 9 of this Law, the employer is obliged to provide the employee with accident insurance during the period of work at his/her own expense. The requirements of this paragraph apply to high-risk, hazardous, and hazardous workplaces.⁴³ (A list of such workplaces is provided in Government of Georgia Resolution N381⁴⁴).

The Labour Inspectorate monitors the protection of labour rights and labour safety of labour migrants, as well as of any employee.**Paragraph 3 - Cooperation between social services in countries of emigration and immigration**

The opinion of the committee deals with the report of the International Center for the Development of Migration Policy , and also includes information on labor migration. Taking this into account, we present updated information on labor migration during the reporting period.

Managing migration flows (including labor migration) is one of the most topical challenges in Georgia.

⁴³ <https://matsne.gov.ge/ka/document/view/4486188?publication=1>

⁴⁴ <https://matsne.gov.ge/ka/document/view/4277583?publication=0>

The Government of Georgia (GoG) attaches particular importance to ensure efficient functioning of the well-developed migration management system. Expanding of legal opportunities for temporary employment abroad (circular labour migration), within the State Employment and Active Labour Market Policy, represents one of the priorities of the GoG. In this respect, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia undertakes intensive efforts to strengthen cooperation with partner countries aimed at agreeing on relevant labour migration schemes, on the other hand - to further develop and improve State regulatory system of labour migration.

Well-organized circular labour migration, along with providing extended opportunities of employment, enables Georgian citizens to raise professional qualification, to deepen working experience abroad, gain respective working skills according to the European standards, to increase competitiveness at the domestic labour market upon arrival, to expand the network and subsequently, to gain economic benefits.

Moreover, development of the well-managed circular labour migration opportunities will mitigate the challenge of irregular migration flows and unfounded asylum requests.

Achieved results

- The government of Georgia already has some achievements in developing interstate cooperation in the field of labor migration and expanding opportunities for temporary legal employment abroad. In particular:
- In 2013-2016, Georgia, in active cooperation with the German corporation for international cooperation (GIZ), successfully implemented a pilot project of circular migration with Germany. 40 Georgian citizens were legally employed in Germany within the framework of the mentioned pilot;
- In 2017-2019, the ministry of internally displaced persons from the occupied territories, labor, health and social affairs of Georgia, in close cooperation with the international organization for migration (IOM), successfully implemented a pilot project on circular migration with Poland. Within the framework of this project, 65 Georgian citizens were employed in Poland;
- Agreement between the Government of Georgia and the Government of the French Republic on the Residence of Qualified Specialists and Circular Migration. The agreement was signed on November 12, 2013 and entered into force on February 1, 2019. The agreement aims to facilitate temporary labor migration based on mobility and encourage the return of competent specialists to Georgia;
- Agreement on „Employment of the Georgian Labor Force for Seasonal Work in the Federal Republic of Germany“. The agreement was signed on January 17, 2020 and entered into force upon its signature. The agreement is limited to seasonal employment in the agricultural sector, under which Georgian citizens will be able to legally work in Germany for 3 months. During 2021, 308 Georgian citizens were successfully selected and employed in Germany;
- Agreement between the Government of Georgia and the Government of the Republic of Bulgaria on the Regulation of Labor Migration. The agreement was signed on September 30, 2019 and entered into force on November 5, 2019. The Agreement applies to migrant workers who are nationals of one of the Parties, have signed an employment contract under this Agreement and hold the relevant residence permit in the territory of the other Party. On November 30, 2021, a document on the "Implementation Procedures" of the Agreement between Georgia and Bulgaria on the Regulation of Labor Migration was signed;
- Agreement between the Government of Georgia and the Government of the State of Israel "On Temporary Employment of Georgian Citizens in Specific Sectors of the Labor Market in the State of Israel,.". The agreement was signed on September 30, 2020 and entered into force on November 6, 2020. The agreement is aimed at ensuring cooperation between the parties on the recruitment, selection, accommodation, arrival and employment of Georgian citizens, as well as their return to Georgia after temporary employment in Israel;
- At the same time, a dialogue is underway with other EU member states to identify opportunities for temporary legal employment (circular labor migration) abroad. Such agreements
- will create the basis for real and effective cooperation based on the principles of mutual benefit in the field of labor migration, after which a mechanism for their implementation should be established.

In addition, institutions working on circular labour migration have been strengthened. Namely:

- Division for „Labour Migration Issues“ was established at the Ministry of IDPs, Labour, Health and Social Affairs of Georgia in order to manage labour migration related issues and lead the negotiation process with foreign partners and internal coordination;
- In order to promote employment of labor force in the local labor market in Georgia and legal temporary employment for Georgian citizens abroad, in 2019, LEPL State Employment Support Agency under the control of the Ministry was established.

Article 4 - Equality in employment, right to organize and housing

According to the opinions, the committee requests additional information, which will confirm the non-discriminatory treatment of labor migrants.

Legal framework and supervisory mechanisms

In 2019-2020, as a measure to prohibit discrimination, legislative amendments were made and were brought into line with the requirements defined by European Directives. As a result of the amendments, the list of signs of discrimination was expanded, prohibition was imposed on instruction to discriminate against a third party, the mandate of the Public Defender was further strengthened, etc.

Since 2014, the Public Defender of Georgia acts as National Equality Body and by way of Equality Department, examines individual and collective applications on alleged facts of discrimination submitted by individuals or initiated by their own motion.

Upon starting examination of an application, the Public Defender, initiates written communication with both of the parties. The positions and material submitted by the parties is sent to both of them. The PD may also request information from third parties and organizations. Besides written communication, if necessary, representatives of PD have oral interviews with parties or third persons who may owe information regarding the case at stake. If the PD deems it necessary, for the purposes of mediating the case, they may invite the parties to an oral hearing where they may orally state their positions, respond to questions of PD representatives and pose questions to one another. Based on the evidences at hand, the PD will conclude the case in the following ways: a) find the fact of discrimination and address to a respondent with a recommendation. In this case, if a respondent fails to enforce the recommendation, the PD may apply to the court requesting imposition of an obligation upon the perpetrator to enforce the recommendation (the enforcement option is not available in cases where a perpetrator is a physical person; b) find the fact of incitement to discrimination and address to the respondent with a general proposal; c) do not find a fact of discrimination/incitement to discrimination and on that account terminate examination of a case.

Along with individual litigation, the PD acts as an Amicus Curiae before the courts; prepares legislative proposals; prepares thematic and general reports on the state of equality in the country; communicates with national organizations and is a member and contributes to the work of international organizations, e. g. European Network of Equality Bodies (Equinet).

In 2020, amendments were made to the Organic Law of Georgia "Labor Code of Georgia". According to the Law, labour and pre-contractual relations shall prohibit any type of discrimination due to race, skin colour, language, ethnicity or social status, nationality, origin, material status or position, place of residence, age, sex, sexual orientation, marital status, handicap, religious, public, political or other affiliation, including affiliation to trade unions, political or other opinions (Article 2 (3)).

The Law defines the concept of labour discrimination and stipulates that for the purposes of this Law, discrimination is the intentional or negligent discrimination or exclusion of a person, or the giving to him/her a preference, on the grounds of race, skin colour, language, ethnic or social affiliation, nationality, origin, property or titular status, employment status, place of residence, age, gender, sexual orientation, disability, health status, religious, public, political or other affiliation (including affiliation to trade unions), marital status, political or

other opinions, or on any other grounds, with the purpose or effect of denying or breaching equal opportunities or treatment in employment and occupation. (Article 4 (1)). The Law prohibits both direct and indirect discrimination.

In pre-contractual relations, before concluding an employment agreement, an employer shall let a job candidate become familiar with the provisions of the legislation of Georgia regarding the principle of equal treatment between persons and the means of complying therewith, and shall take measures to ensure compliance with the principle of equal treatment between persons in the workplace, and shall include anti-discrimination provisions in its internal labour regulations, collective agreements and other documents, and shall ensure adherence thereto. (Article 11(9)).

The prohibition of discrimination shall apply, inter alia, to:

- ✓ selection criteria and employment conditions in pre-contractual relations, as well as access to career advancement, at all levels of the professional hierarchy and whatever the sector or branch of activity;
- ✓ access to all types of vocational guidance, advanced training, vocational training and retraining (including practical work experience) at all levels of the professional hierarchy;
- ✓ labour conditions, remuneration conditions, and conditions for the termination of labour relations;
- ✓ conditions of occupational social protection, including social security and health care conditions. (Article 5).

The Law prohibits discrimination against the employee due to his/her membership of, and involvement in, an employees' association, and/or any other activity aimed at:

- a) Recruiting and retaining an employee on condition that he/she refuses to become a member of an employees' association or agrees to withdraw from such association;
- b) Terminating labour relations with an employee or harassing him/her in any other form due to his/her membership of, and involvement in, an employees' association,

Violation by an employer of the regulations regarding discrimination stipulated by this law, including direct discrimination and indirect discrimination, workplace harassment and sexual harassment, prohibition principle, principle of reasonable accommodation, provision of equal pay for equal work – shall carry a warning or a fine in the amount of three times the corresponding fine.

Supervision over the fulfillment of the requirements of the law is carried out by the Labor Inspection Service of Georgia on the basis of the Law of Georgia on Labour Inspection adopted in 2020. The imposition of an administrative penalty by the Labor Inspection Service shall not release the employer from other responsibilities that may be imposed on the employer by the court within the framework of civil proceedings initiated by a person.

During the reporting period, no claim regarding workplace discrimination was filed with the Public Defender's Office. The Public Defender's Office did not establish any fact of discrimination against migrant workers at the workplace.

Also, during the reporting period, the Labor Inspection Service detected no violation of the Principle of non-discrimination for migrant workers.

As for judicial practice, according to the information presented by the Supreme Court of Georgia, cases of discrimination against migrants are not registered separately.

Amendments made in 2020 to the Organic Law of Georgia - Labor Code of Georgia, concern, among other issues, forced labor regulation well. In particular, the Law defines the concept of forced labor; designates the Labor Inspection Service of Georgia as a body supervising the enforcement of the norms prohibiting forced labor and trafficking at workplace; and imposes sanctions for the violation of the provisions prohibiting forced labor. According to Article 79 of the aforesaid Law,

- ✓ Forced labour, or any work that a person would not perform voluntarily and that he/she is required to perform under threat of any sanction, provided that the said action does not contain elements of a criminal offence, shall result in a fine in accordance with the procedure established by Article 77(1) of this Law, in triple the amount of a respective fine.

- ✓ The violation referred to in paragraph 1 of this article, committed with respect to a minor, a pregnant woman or a person with a disability, shall result in a fine of double the amount of the fine referred to in paragraph 1 of this article.

During the reporting period, the Labor Inspection Service detected no case of forced labour and labour exploitation against migrant workers.

Membership of trade unions and enjoyment of the benefits of collective bargaining

As mentioned above, the scope of the prohibition of discrimination in labour relations also applies to the membership and activity of the employees' association, the employers' association or of such an organization whose members belong to a defined professional group, including the benefits received from such organization. The above-mentioned provision and the scope of supervision provided for by the law apply to all employees, including migrant workers.

According to the Constitution of Georgia, everyone has the right to establish and join trade unions. Based on the Organic Law of Georgia "On Trade Unions", a person (worker) aged 15 or over, who is engaged in labour (professional) activities or studies at a higher educational, or secondary specialised, or vocational-technical institution, shall have the right to establish, or join, or leave freely a trade union, or participate in trade union activities. Temporarily unemployed persons and pensioners may remain trade union members.

This Law shall apply to all citizens of Georgia and trade union members, aliens and stateless persons residing in Georgia, except as provided for by the legislation of Georgia and the international agreements of Georgia⁴⁵.

The supervision over the protection of the abovementioned right is provided by the Labor Inspection Service within the mandate established by the labour legislation.

According to the information provided by the city courts, during 2018-2021, overall, 48 cases on discrimination in labour relations were discussed. Out of 48 cases, fact of discrimination was confirmed in 8 cases. The most spread grounds of discrimination were age (13 cases, including sexual harassment in 2 cases), political (9 cases), unequal treatment (8 cases), trade union membership (6 cases), etc.

Housing

Paragraph 6 – Family reunion

In its previous opinions, the committee requests information on the diseases, which the Ministry of Labour, Health and Social Protection defines as the basis for rejecting a residence permit.

Order N300/N of the Minister of Labour, Health and Social Protection of Georgia dated 14 November 2006 defines a list of infectious and other diseases, the nature, severity and duration of which may pose a threat to the population of Georgia and may serve as a basis for rejecting a residence permit to a foreigner in Georgia. These diseases include: HIV Disease caused by human immunodeficiency virus (HIV) (excluding *asymptomatic human immunodeficiency virus [HIV] infection status*. Z21); Leprosy - Hansen's disease (infectious disease caused by mycobacterium leprae; excluding *B92 - Sequelae of leprosy*) · Tuberculosis (infectious disease caused by mycobacterium tuberculosis and mycobacterium bovis. excluding congenital tuberculosis (P37.0)), pneumoconiosis associated with tuberculosis (J65), sequelae of tuberculosis (B90), silicotuberculosis (J65)).

With regard to the conclusion of ECSR on the guideline rules on issuing residence permit it is worth mentioning that consideration of residence permits issues and making the final decision is made based on the following legal acts: The Law of Georgia “on the Legal Status of Aliens and Stateless Persons” and #520 Ordinance of September

⁴⁵ Art. 2, 4 <https://www.matsne.gov.ge/document/view/4382851?publication=2>

1, 2014, issued by the Government of Georgia, “on Approval of the Procedures for Reviewing and Deciding the Granting of Georgian Residence Permits”.

As for ECSR conclusion on the issuance of residence permit to the family member, it should be noted that from May 12, 2021, new amendments to the Law of Georgia on the "Legal Status of Aliens and Stateless Persons" came into force and in this regard, the concept of “family member” was narrowed. In particular, "family member" is determined as - the spouse of a foreigner or a person having a status of stateless person in Georgia, a minor child, a minor under guardianship or custody, and/or a fully dependent minor; A parent of a foreign minor or a stateless minor with such a status in Georgia; foreign spouse of a citizen of Georgia, minor child, minor under guardianship or care and/or an entirely dependent minor, parent of a minor citizen of Georgia. Adult children are thus excluded from the scope of family members⁴⁶. If a family member of a labor migrant has other legal grounds for issuing a residence permit, he/she can obtain a corresponding one (for instance: for the purpose of study, a short-term residence permit based on the right of ownership on immovable property on the territory of Georgia and etc.).

The evaluation and discussion on the topic whether the issuance of a residence permit to a family member poses risks or not, from the point of view of the state and/or public security, is beyond the competence of PSDA. The criteria of possessing risk to the security of the state is assessed by competent Georgian Authorities based on which PSDA renders decision on refusal/satisfaction of request on issuing residence permit to a family member.

Paragraph 7 - Equality before the Court

The Committee requested to specify information whether legal assistance for migrants included interpreter’s services. In response to the inquiry, we would like to inform you that in order to ensure the enjoyment of the right to fair trial, the Constitution of Georgia imposes on the State the obligation to ensure the right to the assistance of an interpreter for persons who do not speak the official language. More specifically, paragraph 4 of Article 62 of the Constitution of Georgia stipulates that “Legal proceedings shall be conducted in the official language. An individual who does not have a command of the official language shall be provided with an interpreter”.

Based on paragraph 2 of Article 17 of the Criminal Procedure Code of Georgia “A participant in proceedings who has no or appropriate command of the language of the criminal proceedings, shall have the right to make a statement, give testimony and explanation, file a petition and challenge, file a complaint, appear in court in his/her native language or in any other language he/she speaks. In such cases, a participant in proceedings shall have the right to use the services of an interpreter”.

Article 258 of the Administrative Offences Code of Georgia regulates the use of interpreter’s services during administrative proceedings.

The Civil Procedure Code of Georgia regulates the participation of an interpreter in civil proceedings, as well as in administrative proceedings. In particular, according to Article 9.4 of the Civil Procedure Code, legal proceedings shall be conducted in the Georgian language. An interpreter shall be assigned to a person who has no command of the Georgian language.

Paragraph 9 – Remittance of incomes and savings

In its previous Opinions, the Committee enquired about whether the right to remit incomes and savings includes the right to transfer movable property of labor migrants.

The tax and customs legislation of Georgia does not impose any restriction on the transfer of migrants’ movable property as part of the right to remittance of incomes and savings.

⁴⁶ adult children have the opportunity to get a short-term residence permit if the family member owns immovable property on the territory of Georgia

Paragraph 10 - Equal treatment of self-employed workers

Paragraph 11 - Teaching the official language of the host country

The Committee requested data on whether there are official language teaching courses for children of migrant workers, as well as language courses for all adult migrants.

At the given stage, there is no such training programme at the level of preschool and general education.

In order to promote integration into Georgian schools, a one-year Georgian language course is offered to persons defined by the Law of Georgia on International Protection. Currently, the mentioned programme is being expanded and one-year distance courses are being offered to other persons as well. The Ministry of Education and Science has identified students who are in need of learning the official language. About 120 such students have been identified.

The programme has been implemented since 2015, within the framework of which a one-year Georgian language training course is provided free of charge to asylum seekers and persons with international protection from 6 to 18 years of age. A memorandum of cooperation was signed between the Ministry of Education and Science of Georgia and the Ministry of Internal Affairs of Georgia, which obligates the parties to ensure access to general education for minors placed in the Temporary Accommodation Centre of the Migration Department. Beneficiaries of the programme are nationals of the following countries: Iraq, Iran, Afghanistan, Ghana, Egypt, Eumenia, Jordan, Turkey, Pakistan, India, Lebanon, Russia, Sudan, South Africa, Saudi Arabia, Syria, Somalia, Eritrea, Ukraine.

The programme is regulated by the Minister's Order N193/H dated 12/12/2017 on determining the procedure for enrolling asylum seekers and persons with international protection status in the Georgian language teaching programme, on the content and time-limits of the programme and the rules of financing" <https://matsne.gov.ge/ka/document/view/3877226?publication=1>

The one-year Georgian language teaching programme can be completed with one of four outcomes:

- 0 – failure to complete
- A1
- A2
- B1

According to the final list provided by the Migration Department of the Ministry of Internal Affairs in August, an additional number of 8 beneficiaries were enrolled in one-year Georgian language course during the third quarter of 2022, and in Ilia Chavchavadze Tbilisi Public School N23 - in September 2022, and 3 beneficiaries - in Public School N2, Martkofi Village, Gardabani Municipality, in September 2022. Within the framework of the sub-programme, the Georgian language is taught both in face-to-face and remote/electronic formats (based on the application of parents).

Nine teachers are employed in both public schools (4 teachers - in Ilia Chavchavadze Tbilisi public school N23, 3 teachers – in public school N2, Martofevi village, Gardabani municipality). For teaching purposes, teachers use www.geofl.ge website, as well as various visual materials and resources created by them. Depending on the subject, students are sent e-textbooks, listening exercises, visual materials, PPT presentations, thematic videos, other materials.

Currently, schools develop individual plans for teaching the Georgian language and ensuring integration.

Official language teaching and integration programme

The Zurab Zhvania School of Public Administration LEPL is carrying out Official language Teaching and

Integration Programme for representatives of national/ethnic minorities living in Georgia and other persons interested in learning the Georgian language (foreign nationals holding a refugee and humanitarian status, foreign nationals holding a residence permit in Georgia and stateless persons with a status in Georgia).

The Programme allows the beneficiaries to achieve a desired proficiency of the Georgian language, to further increase their learning motivation, to integrate into the unified state space, and to be able to contribute to the country's democratic development process.

From 2018 to 2021, the Zurab Zhvania School, in cooperation with the Agency for IDPs, Eco-migrants and Livelihoods under the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs, retrained 255 persons within the framework of the official language teaching and integration programme.

In 2018-2019, only persons with international protection and refugee status were enrolled in the programme, and from 2020 onwards – the programme extended also to persons with temporary residence permit and no status.

In 2019-2020, the Zurab Zhvania School, in cooperation with World Vision Georgia, implemented the project "Teaching the official language to foreigners and stateless persons". 122 people with temporary shelter in Tbilisi, as well as 30 people in Batumi and 13 in Kutaisi underwent training under A1 level programme. The project involved a total of 165 people.

Starting from 2021, the Zurab Zhvania School, in cooperation with the Migration Department of the Ministry of Internal Affairs, provides a communication Georgian course at the reception center for asylum seekers in Martkopi. In 2021, 18 beneficiaries underwent the course.

The Zurab Zhvania School remains constantly focused on the development of the programmes and gives maximum consideration to the needs of the beneficiaries. "Communication Georgian course" (aimed at acquiring speaking skills in the shortest possible time) and "Alphabet course" (focused on learning the Georgian alphabet, creating phonological awareness based on the complexity and specificity of the language, adapting to Georgian society).

In 2018, the Zurab Zhvania School of Public Administration together with UNHCR Georgia carried out the project - "Learn Georgian via audio lessons", within the framework of which a compact disc containing 12 audio lessons and relevant illustrations was prepared. The course will help persons with international protection, asylum seekers and stateless persons, to whom the UNHCR mandate applies, integrate and acquire basic knowledge of the Georgian language.

The programme is fully financed from the state budget. All manuals and audio lessons prepared by the school are posted on the school's official website: www.zspa.ge (audio lessons are also featured on UNHCR's partner websites).

See Table on Beneficiary Engagement.

Year	Number of beneficiaries		
	Agency	WV Project	Martkopi Shelter
2018	80		
2019	40	122	
2020	32	43	
2021	103		18
overall	255	165	18
	438		

The Committee requested further details on the language courses that are conducted at vocational education institutions and through the School of Public Administration and the confirmation that foreign nationals can attend such courses free of charge.

Migrants who have returned to Georgia enjoy the opportunity to undergo both: the qualifying vocational educational programmes and the vocational training and vocational retraining programmes. Within the vocational education system, the VET education of a Georgian citizen, an asylum seeker, a refugee or a person

with humanitarian status, as well as a VET student with the status of a compatriot living abroad is fully financed by the State in accordance with the priorities determined by the minister both for state and private institutions implementing vocational education programmes.

Starting from 2016, for the purposes of enrolling in VET programmes, non-Georgian speaking persons can undergo the selection procedure in the Armenian, Russian or Azerbaijani languages. After going through the selection stage, they will be offered a Georgian language learning module, upon the successful completion of which, they can proceed with a VET programme. From 2017 to 2021, about 650 applicants enrolled in VET programmes by going through the testing/competition/selection procedure in the Armenian, Russian or Azerbaijani languages.

Offering an official language training programme to the interested persons is provided for by the Law of Georgia on Vocational Education adopted by the Parliament of Georgia in 2018. Starting from 2020, work began on developing a new approach, which involves the introduction of an official language training programme by vocational education institutions. Draft rule for the development and implementation of an official language training programme was elaborated. After the implementation of the approach developed by the Vocational *Skills Agency* and the Ministry of Education and Science within the framework of the new management model of vocational education, the vocational education system will offer an official language training programme, which will create an opportunity for non-Georgian speaking applicants to enroll in a vocational education programme after successfully completing the official language preparatory programme.

Paragraph 12 – Teaching a native language to migrants

The Committee deferred its opinion regarding this paragraph in 2019, and requested detailed information on what steps the government has taken to promote multilingual education.

According to the information available to the Ministry of Education and Science of Georgia, the number of children living in migrant workers' families is not so high as to pose the need for such support.

The project "Georgian Language for Immigrants" (website <https://distancelearning.mes.gov.ge>) is being implemented within the framework of the Sub-Programme for Promoting the Implementation of Digital Technologies, the purpose of which is to popularize the Georgian language and culture among Georgian children living abroad and promote their rapprochement with Georgia.

The project is open for children aged 5 to 15 living abroad, providing one or both of parents are Georgian by nationality. Students at any level of language proficiency are eligible for registration. Lessons are given by certified teachers trained by the National Center for Teacher Professional Development. Lessons are provided on Tim platform twice a week, the duration of each lesson is 30 minutes.

Up to 1500 applicants joined the website during the period from 2018 to 2021. Currently, there are 165 groups and 34 teachers, the total number of active students is 850.

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

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

1. to take appropriate measures:

- a) to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;**
- b) to take account of their needs in terms of conditions of employment and social security;**
- c) to develop or promote services, public or private, in particular child day care services and other childcare arrangements;**

a) *Please provide information on whether the Covid-19 crisis had an impact in particular on the possibilities for and the consequences of remote work on the right of workers with family responsibilities to equal opportunities and treatment.*

Covid – 19 crisis did not have any negative impact on the possibilities of remote work for any type of worker. In order to support those employees who lost their jobs or income during pandemic, in 2020-2021, by decision of the Government of Georgia, a targeted programme was approved. The program aimed to alleviate the damage caused by the new coronavirus infection (SARS-COV-2) (COVID-19) (Decree of the Government of Georgia No. 286). Due to the fact that many enterprises were forced to reduce the number of employees or place employees on unpaid leave, the Government established 1200 GEL compensation to be paid from the state budget to such persons. Compensation continued to be paid for 6 months, i.e. 200 GEL per month. Persons being on leave because of childbirth, maternity, childcare or adoption of a newborn (including persons whose employment was terminated or suspended) were also eligible for the compensation⁴⁷. The program also envisaged one-off payment of 300 GEL for informal/nonregistered employees.

b) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

In order to promote employment of Georgian citizens especially “hard to employ” groups, LEPL State Employment Support Agency (SESA) was established in October 2019 under the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia. SESA is operational as of January 1 2020. The purpose of the Agency is to promote employment of Georgian population. The Agency is providing labour market services, including:

- Implementation of the active labour market policy measures;
- Providing intermediary services;
- Registering job seekers and vacancies and for this purpose administration of the labour market information management system;
- Collecting and analyzing statistical information on the labour force.

The Agency identifies and analyzes ongoing and prospective trends of supply-demand in the Georgian labour market, developing temporary, legal employment opportunities (circular labour migration) of Georgian citizens

⁴⁷ On the approval of the targeted state programme to alleviate the damage caused by the new coronavirus (SARS-COV-2) (COVID-19) infection caused by <https://www.matsne.gov.ge/ka/document/view/4864421?publication=18>

abroad. The functions of the Agency also include implementation of the state employment programs, cooperation with employers, employers' organizations and private employment agencies to effectively provide intermediary, information and advisory services to the job seekers.

Active labour market measures as defined by 2019-2023 National strategy on labor and employment policy of Georgia:

1. Short-term vocational training-retraining programs
2. Internship
3. Development of core competencies
4. Wage subsidy and protected workplaces
5. Public work

These measures are part of the state employment program approved by the Ordinance of Government of Georgia annually.

As to the conclusion that the situation in Georgia is not in conformity with Article 27§1 of the Charter on the ground that the legislation does not specifically provide for facilitation of reconciliation of working and private life for persons with family responsibilities. In December 2018, the changes to the Constitution of Georgia⁴⁸ came into force, completing the country's transition from a semi-presidential to a parliamentary system of governance. Most importantly, the new Georgian Constitution now contains an equality clause. The new constitutional provision trades the earlier de jure equality wording for substantive equality that shifts the emphasis towards combating structural inequalities and mandating the State to establish and implement special laws, policies and programs, including temporary special measures, to ensure that women enjoy equality of opportunities as well as that of results.

The Labour Code of Georgia envisages a number of benefits for women and men. Higher standards of maternity and parental leave that can be used by both parents was introduced. Apart from that, Labour Code of Georgia (Article 24) determines that women “who are breastfeeding infants under the age of 12 months may request an additional break of at least 1 hour a day. A break for breastfeeding shall be included in working time and shall be paid”.

The Code (Article 40) also provides for additional unpaid parental leave, in particular, “employee may, upon his/her request, be granted, in whole or in parts, but not less than 2 weeks a year, additional unpaid parental leave of 12 weeks until the child turns 5. Additional parental leave may be granted to any employee who actually takes care of the child.

It should also be noted, that the Labour Code guarantees the rights of “a legal representative or supporter of a person with a disability who may, in addition to rest days, enjoy additional paid rest day once a month, or agree on working time other than that provided for by the internal labour regulations” (Article 24).

The Code guarantees access to training. Namely, according to Article 22 (2) of the Labour Code, “after the end of a period of maternity leave, parental leave, or newborn adoption leave, upon the request of the employee, the employer shall ensure that the qualifications of the employee are upgraded if this is necessary for the performance of the work under the employment agreement, and does not impose a disproportionate burden on the employer”.

The Code introduces the notion of part time employment. It provides for the protection of such workers from discrimination based on their status. Namely, according to article 16 (2) in respect of employment conditions, “part-time employees shall not be treated in a less favorable manner than comparable full-time employees solely because they work part time, unless different treatment is justified on objective grounds”. The same article further provides that an “employment agreement with an employee shall not be terminated by reason of the employee's refusal to transfer from fulltime to part-time work, or from part-time to full-time work, unless the employer has the right to terminate the employment agreement with the employee, subject to the relevant

⁴⁸ Please see the information at: <https://matsne.gov.ge/en/document/view/30346?Publication=36>

preconditions”, (Article 16 (3)).

In its previous conclusion, the Committee asked for an updated information on the provision of places in preschool institutions. During 2018-2021, the LEPL Municipal Development Center (under the control of the Ministry of Regional Development and Infrastructure) built 30 early and preschool education institutions and renovated 1 for overall 2 110 beneficiaries (see table below). The Ministry continues to work in the above-mentioned direction.

					Beneficiaries
			31		2,110
Region	Municipality	Type	Number of Kindergarte	Completion Date	Number of Beneficiaries
Shida Kartli	Khashuri	Construction	1	2018	220
Samtskhe-Javakheti	Akhaltikhe	Construction	5	2020	250
Mtskheta-Mtianeti	Mtkheta	Construction	4	2021	200
Kakheti	Lagodekhi	Construction	3	2021	150
Imereti	Tkibuli	Construction	1	2020	50
Samegrelo-Zemo Svaneti	Zugdidi	Construction	1	2020	110
Guria	Lanchkhuti	Construction	1	2021	50
Kvemo Kartli	Gardabani	Construction	2	2020	200
Samegrelo-Zemo Svaneti	Zugdidi, Samtredia, Imereti Senaki	Construction	3	2021	150
Imereti	Zestafoni, Kharagauli	Construction	3	2020	150
Imereti	Sachkhere, Chiatura	Construction	3	2021	150
Kakheti	Dedoplistskaro	Rehabilitation	1	2020	50
Mtskheta-Mtianeti	Mtskheta	Construction	1	2018	100
Samegrelo-Zemo Svaneti	Tsalenjikha	Construction	1	2018	100
Shida Kartli	Gori	Construction	1	2021	180
			31		2,110

2. to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;

a) *Please provide information on whether the Covid-19 crisis had an impact on the right to parental leave.*

See response to Article 27&1- a.

b) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

In September 2020, a large-scale labour law reform was carried out. The legislative package included extensive amendments to the Labour Code and a new Law of Georgia on “Labour Inspection”. The amended Labour Code outstandingly strengthen the legal framework for the protection of the labour rights of Georgian workers by meeting the requirements of EU-Georgia Association Agreement and International Labour Organization. The amendments include a number of provisions, in particular, prohibition of direct and indirect discrimination, extended list of grounds for discrimination, the principle of equal pay for equal work,

working time regulation, part-time and fixed-time work, concept of internship, higher standards of maternity and parental leave, etc.

The newly amended Labour Code introduced higher standards of maternity and parental leave. According to Article 37(1) of the Labour Code, “an employee shall, upon her request, be granted paid maternity leave of 126 calendar days, and in the case of complications during childbirth or the birth of twins, maternity leave of 143 calendar days.” Employees may distribute the period of maternity leave at their discretion over the pregnancy and postnatal periods (Article 37(2) of the Labour Code). Enjoyment of maternity leave is an exclusive right of the mother of the child, although the father of the child has a right to enjoy the days of said leave which have not been used by the mother of the child (Article 37(4) of the Labour Code)⁴⁹.

3. to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

a) *Please provide information on whether the Covid-19 crisis had an impact on the prohibition of dismissal on the ground of family responsibilities and whether there were any exceptions to the prohibition of dismissal on the ground of family responsibilities during the pandemic.*

During the pandemic, regulations concerning the prohibition of dismissal on any ground remained unchanged.

b) *Please explain whether a ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the Covid-19 crisis.*

As per information provided by the Courts, no cases were discussed for unlawful dismissals on the ground of family responsibilities during the Covid-19 crisis.

Article 31 – The right to housing

Article 31 of the European Social Charter has not been ratified by Georgia. Hence, information given below is more of the general character.

The Georgian Law on Social Assistance regulates a number of issues related to housing policy. According to which, the competencies and rights and responsibilities of the local self-government bodies include, among other things, the provision of shelter for the homeless and the registration of persons in the shelter. The same law defines a "homeless person" as a person without a permanent, defined place of residence, who is registered with the local self-government body as homeless. In addition, in accordance with the Local Self-Government Code, the local self-government responsibilities include the registration of homeless people and the provision of shelter.

It should be noted that in accordance with the "Open Government Action Plan of Georgia for 2018-2019", one of the obligations was to create a housing policy document, however, in 2021, an important reform in the field of social protection has begun. The reform aims to introduce a comprehensive and integrated approach to the social protection system, which includes the development of a regulatory framework for the social, employment, health and insurance sectors. Renew social protection system will be the basis for appropriate support to the needs of persons at all stages of life. It will cover the areas and schemes of social protection, such as social assistance, pensions, health care needs, disability issues, adequate housing and employment issues, and unemployment insurance, and more.

There are several thematic working groups for the development of the Social systems, which involve international and local experts, various specialists, governmental and non-governmental agencies. A separate housing policy-working group will be set up in the frames of thematic groups. The relevant legislative proposals will be developed

⁴⁹ <https://matsne.gov.ge/en/document/view/1155567?publication=21>

by the housing policy-working group both in terms of defining the target group and in terms of separation of powers and funding schemes at the local and central level.

As to the question whether Georgia declared a moratorium/prohibition on evictions during the pandemic. LEPL National Bureau of Enforcement of the Ministry of Justice of Georgia carries out compulsory enforcement of court decisions on requisitioning (eviction) of real estate from the ownership/use of others.

In order to prevent the spread of the Covid-19, upon the decision of the Government of Georgia, in 6 April, 2020, the Minister of Justice of Georgia issued an order #515 prohibiting requisitioning of real estate and eviction during the state of emergency. The prohibition of eviction was prolonged under the May 25, 2020 orders #546 and #582 of Minister of Justice of Georgia.

During the pandemic, the restrictions on evictions were directed at all debtors and persons living with them, in relation to whom the court issued eviction decisions, regardless of whether the eviction decision was issued against them for non-payment of rent or other types of taxes or on other legal grounds. Thus, with the aforementioned regulations, forced eviction of all categories of debtors was prohibited.

It should be noted that before the complete abolition of prohibitions related to forced evictions, the Ministry of Justice of Georgia began to gradually remove restrictions. In particular, on December 16, 2020 and February 10, 2021, an amendment was made to the order #582 of the Minister of Justice and the restrictions related to forced eviction were lifted in the cases when requisitioning (eviction) from the real estate was necessary for a particular state or /and public interests, and was directed at the legal entities.

By the order of the Minister of Justice of Georgia #812 of March 1, 2022, the prohibition related to forced eviction was canceled.

In case of a minor foreign citizen staying in Georgia, who is left without a caregiver, the LEPL Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking, as the guardianship and custody body, takes responsibility appoints a legal representative and involves the minor in the following programs:

- Foster care sub-program
- Small family group homes sub-program.

Children left without parents / legal guardians will be placed in foster care or in small family group homes. In this case, the legal representative of the children is a state social worker who constantly monitors the legal status and needs of the juveniles in the state care system.

Within the framework of the foster care program, children throughout Georgia live in foster care families, where each family can accommodate a maximum of four minors.

Within the framework of the sub-program for providing services in small family group homes, there are 42 small family group homes in Georgia, where each home can accommodate a maximum of 10 minors.

According to Article 16 (paragraph 2, subparagraph “u”) of the Organic Law of Georgia “Local Self-government Code”, the provision of a shelter for and registration of the homeless is a municipality’s own power, meaning that each municipality within its administrative territory, adopts and implements relevant rules and policies related to the shelters and housing independently and under its responsibility. Hence the situation with regard to housing differs in each municipality. The information provided below reflects aggregated and general data received from 64 municipalities: The practices in the municipalities can be conventionally discussed into two directions - municipalities that own shelters and municipalities which do not own shelters but have various social programs for homeless persons/families, including monthly rent. The amount of monthly rent varies from municipality to municipality. The number of municipalities that own shelters is very small (for example Tbilisi City, Rustavi City, Kutaisi City, Zugdidi, Gori, Bolnisi, Adigeni, and Keda municipalities). The approaches related to paying utility bills are different in each municipality. For example, some municipalities during the winter period (December, January, and February) and sometimes during March, pays the electricity bills for the residents of the abovementioned shelters within the limits pre-approved by each of them. Utility bill which exceeds mentioned limits has to be paid by the relevant resident, while some municipalities monthly cover utility bills (electricity and gas) for each family residing in the shelter. It

has to be highlighted that during the pandemic the relevant measures were taken by the municipalities to protect the health and life of the shelter residents. In addition, municipalities informed, that even though the term of the contracts signed with the homeless persons were for one or two years, during the pandemic the terms were automatically renewed. Except for the abovementioned, there are various approaches/measures/programs aiming at reducing the number of homeless persons in the municipalities. There are cases when a municipality bought a residential area for families; in some municipalities, there is a program, according to which, if a homeless person/family owns the land, the municipality provides such person/family with a cottage, etc. In addition to the abovementioned, it has to be noted, that most of the municipalities have adopted special rules for registering homeless persons and providing them with housing. These rules determine the criteria for considering a person/family as homeless and for registering them as such, as well as the conditions and procedures for providing a person/family with shelter/housing. Despite the fact that the municipalities try to reduce the number of homeless persons and provide them with adequate housing, this issue is still a challenge for the country