



Comments Regarding the Report on the implementation of the  
European Social Charter (unratified provisions) submitted by the  
Government of Georgia

## Table of Contents

Article 2.3. – The right to just conditions of work .....	2
Article 3.1. – The right to safe and healthy working conditions .....	3
Article 4§1 The right to a fair remuneration .....	3
Article 8§1 The right of employed women to protection of maternity .....	4
Article 8§2 .....	4
Article 10§1 The right to vocational training .....	5
Article 12§2 The right to social security .....	6
Article 12§4 .....	7
Article 13§1 The right to social and medical assistance .....	8
Article 15§1 The right of persons with disabilities to independence, social integration and participation in the life of the community .....	9
Article 15§2 .....	10
Article 16 – The right of the family to social, legal and economic protection .....	11
Article 22 – The right to take part in the determination and improvement of the working conditions and working environment .....	12
Article 23 – The right of older persons to social protection .....	13
Article 24 – The right to protection in cases of termination of employment .....	16
Article 28 – The right of workers’ representatives to protection in the undertaking and facilities to be accorded to them .....	17
Article 30 – The right to protection against poverty and social exclusion .....	17
Article 31 – The right to housing .....	17

## Article 2.3. – The right to just conditions of work

The report submitted by the government (hereinafter- government's report/report) overviews national legislation on the right to paid holidays for workers and provides statistics on violations of those rights.<sup>1</sup>

The legal status of platform workers has consistently been under the attention of the PDO over the years because the legal relationship was classified as service contract.<sup>2</sup> Hence, the platform workers have not been afforded with the guarantees established under the Labor Code of Georgia including the right to paid leave.<sup>3</sup>

The PDO currently has two ongoing cases concerning public bodies that refused applicants to grant paid leave allegedly based on their political opinion.<sup>4</sup> As the proceedings are currently ongoing the PDO yet has no legal assessment on these cases.

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<sup>1</sup> Report on the Implementation of the European Social Charter (unratified provisions) submitted by the Government of Georgia 31/03/ 2025, p.2, <https://shorturl.at/0fAPT> [05/10/2025]

<sup>2</sup> *ibid*, p.242-243; Recommendation of the Public Defender of Georgia adopted on March 15 2023 <https://shorturl.at/IVV67> [05/10/2025] available only in Georgian; Recommendation of the Public Defender of Georgia adopted on July 4<sup>th</sup> 2023 <https://shorturl.at/AslpN> [05/10/2025] available only in Georgian; Combating and Preventing Discrimination and the Situation of Equality 9<sup>th</sup> special report of the Office of Public Defender of Georgia, 2024, p.14, <https://shorturl.at/C3t9b> [05/10/2025]

<sup>3</sup> *ibid*; Also see Comments of the Public Defender of Georgia regarding the 17th National Report on the implementation of the European Social Charter Submitted by the Government of Georgia 2025, p. 5, <https://short-url.org/1c3Ft> [05/10/2025]

<sup>4</sup> Case N №6411/25; Case N№8545/25;

### Article 3.1. – The right to safe and healthy working conditions

The government's report reviews the existing regulations pertaining to the occupational safety and health of employees.<sup>5</sup> However, it does not assess practical impact of those regulations.<sup>6</sup> To this end, the PDO stressed that the neglect of labor safety norms by employers in heavy, harmful, and dangerous work is still a challenge.<sup>7</sup> Furthermore - collective protective equipment is not used, risks are not assessed, instruction is not conducted and employees are not equipped with individual protective equipment.<sup>8</sup> The same tendencies have been observed by the Labor Inspection Service (LIS) throughout 2023 and 2024.<sup>9</sup>

In particular, in 6% of inspected facilities the safety risks were not assessed, the same share of them were not equipped with the collective protective equipment while in 9% of sites the employees have not been instructed on safety regulations and requirements.<sup>10</sup> The data in these categories is slightly different in 2024.<sup>11</sup>

### Article 4§1 The right to a fair remuneration

The effective exercise of the right to decent standard of living is still problematic in Georgia. To this end the PDO underlined that although the amount of minimal remuneration has been established for medical professionals, such sectoral attitude is insufficient to ensure fair remuneration which is an important pre-requisite for the right to decent standard of living.<sup>12</sup>

Furthermore, the PDO observed that the lack of constructive dialogue between employees and employers caused many strikes across the country where the most pressing problem posed by

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<sup>5</sup> Report on the Implementation of the European Social Charter (unratified provisions) submitted by the Government of Georgia 31/03/ 2025, p.3-4, <https://shorturl.at/0fAPT> [05/10/2025]

<sup>6</sup> *ibid.*

<sup>7</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2022, p. 184, <https://short-url.org/1c3HR> [05/10/2025]

<sup>8</sup> *ibid.*

<sup>9</sup> Report on the Activities of LEPL-Labour Inspection Office For The Year 2024 p. 23, <https://short-url.org/1c3IG> [05/10/2025]; Report on the Activities of LEPL-Labour Inspection Office For The Year 2023, p. 22, <https://short-url.org/1c3IU> [05/10/2025]

<sup>10</sup> Report on the Activities of LEPL-Labour Inspection Office For The Year 2023, p. 22, <https://short-url.org/1c3IU> [05/10/2025]

<sup>11</sup> Report on the Activities of LEPL-Labour Inspection Office For The Year 2024, p. 23, <https://short-url.org/1c3IG> [05/10/2025];

<sup>12</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 190, <https://shorturl.at/I7gDe> [05/10/2025]

the employers was very low salaries.<sup>13</sup> This also underlines the fact that the lack of fair remuneration is the problem across the labor market.

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

Under the current labour legislation, a private employer is still not obliged to pay for the pregnancy, childbirth and childcare leave.<sup>14</sup> Yet, since January 2023 maternity leave of public-school teachers is reimbursable.<sup>15</sup> Though this is not the case for public vocational facilities/colleges.<sup>16</sup>

### Article 8§2

Throughout the reporting period the PDO under the equality mandate examined 4 cases related to discriminatory dismissal on the ground of pregnancy.<sup>17</sup> For instance, a manager of the pharmacy in the city of Poti used maternity leave twice in a row and when the term ended the employer told her that due to the long-time of absence her position had already been filled by other individual.<sup>18</sup>

The PDO interpreted that an employee has the right to return to the same job and enjoy the same working conditions after the end of maternity or adoption leave, and to benefit from any improved working conditions that she would have been entitled to if she had not taken leave.<sup>19</sup>

The second example of a similar case is a history teacher being dismissed from a private school, a few days after she informed her employer of her pregnancy and desire to take maternity leave.<sup>20</sup> The administration told her that she could no longer arrive at school to give lessons because of parents' dissatisfaction of her teaching methods.<sup>21</sup>

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<sup>13</sup> *ibid*, p.241.

<sup>14</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p. 221, <https://short-url.org/1gKzh> [05/10/2025];

<sup>15</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 153 <https://short-url.org/1gKy2> [05/10/2025];

<sup>16</sup> *ibid*.

<sup>17</sup> See the Recommendation of the Public Defender on identifying discrimination in labor relations based on multiple grounds <https://short-url.org/1c3WG> [05/10/2025]; Recommendation is available only in Georgian; Public Defender Establishes Discrimination in Employment Relationship on Grounds of Pregnancy <https://short-url.org/1c3X0> [05/10/2025]; The recommendation is available only in Georgian.

<sup>18</sup> See the Recommendation of the Public Defender on identifying discrimination in labor relations based on multiple grounds <https://short-url.org/1c3WG> [05/10/2025]; Recommendation is available only in Georgian;

<sup>19</sup> *ibid*.

<sup>20</sup> Public Defender Establishes Discrimination in Employment Relationship on Grounds of Pregnancy <https://short-url.org/1c3X0> [05/10/2025]; The recommendation is available only in Georgian.

<sup>21</sup> *ibid*.

After careful analysis of the circumstances of the case, given the increased risk of dismissal of pregnant women on discriminatory grounds, the Public Defender considered it suspicious that the time of the termination of the employment coincided with the applicant's pregnancy.<sup>22</sup> Hence, PDO established that the applicant had been subjected to discriminatory dismissal on the ground of her pregnancy.<sup>23</sup>

There were two more cases examined by the PDO. In the first case the PDO did not establish discrimination while the second case proceeded to court trial and according to mandate of the PDO examination of the case has been suspended.

### Article 10§1 The right to vocational training

As far as the higher education system is concerned, the PDO notes that the lack of accessibility to educational infrastructure, educational materials as well as web platforms has been problematic throughout the reporting period.<sup>24</sup> Furthermore, the process of inclusive education is not pre-planned or coordinated while the application of reasonable accommodation is fragmented and not systematic.<sup>25</sup> This is illustrated, among other things, during the exam periods when the exam formats are not suited to the special educational needs of the students.<sup>26</sup>

Moreover, insufficient support services and staff that are mostly unaware of human rights-based terminology to properly communicate with students who are PWDs is an additional challenge.<sup>27</sup> These students are also practically deprived of professional supervision during their studies because there is no individual who is tasked with performing that task as well as there is no coordinating structural unit that would be assigned to organize teaching process for PWDs.<sup>28</sup>

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<sup>22</sup> *ibid.*

<sup>23</sup> *ibid.*

<sup>24</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2022, p. 197, <https://short-url.org/1c3HR> [05/10/2025]; Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 205, <https://short-url.org/1gKy2> [05/10/2025]; Monitoring of Inclusive Education at Higher Education Institution, Special Report of the Office of Public Defender, 2024, p.14 <https://short-url.org/1c407> [05/10/2025]; available only in Georgian

<sup>25</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 205, <https://short-url.org/1gKy2> [05/10/2025]

<sup>26</sup> *ibid.*

<sup>27</sup> *ibid.*

<sup>28</sup> Monitoring of Inclusive Education at Higher Education Institution, Special Report of the Office of Public Defender, 2024, p.14, <https://short-url.org/1c407> [05/10/2025] available only in Georgian.

Given these fundamental problems the practical accessibility of higher education for potential students who are PWDs is extremely challenging. This is further reinforced by the fact that the factors that prevent PWDs from continuing to study at the higher level of education after completing the general level have not been studied.<sup>29</sup> Consequently in 2022 only 162 applicants who were PWDs continued their studies at higher education while this number decreased to 39 in 2023.<sup>30</sup> Unfortunately the higher education institutions do not produce statistical data on the number of SEN students hence it is impossible to know how many of those successful applicants have graduated from universities.<sup>31</sup>

## Article 12§2 The right to social security

The government's report merely reviews the existing targeted social packages for different groups but does not identify any problems as regards to its practical use.<sup>32</sup> In 2024 the PDO noted that veterans were unable to receive more than one social allowance at the same time.<sup>33</sup> To address this problem the PDO sent a proposal to the Prime Minister reviewing the legal standards that oblige the authorities to support the exercise of veterans' social economic rights.<sup>34</sup> It was further noted that the huge sacrifices veterans took for the country is not properly appreciated through the system of social protection which only allows receiving one social allowance/pension.<sup>35</sup> The PDO recommended the government to amend the relevant laws and regulations that would enable veterans to get more than one social package at the same time.<sup>36</sup> The PDO became aware of the similar problem in 2023 when a janitor employed on a contractual basis in a local cultural establishment functioning as legal entity under public

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<sup>29</sup>Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 204-205, <https://short-url.org/1gKy2> [05/10/2025]

<sup>30</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2022, p. 197, <https://short-url.org/1c3HR> [05/10/2025]; Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 204, <https://short-url.org/1gKy2> [05/10/2025]

<sup>31</sup> Monitoring of Inclusive Education at Higher Education Institution, Special Report of the Office of Public Defender, 2024, p.5, <https://short-url.org/1c407> [05/10/2025] available only in Georgian.

<sup>32</sup> Report on the Implementation of the European Social Charter (unratified provisions) submitted by the Government of Georgia 31/03/ 2025, p.14, <https://shorturl.at/OfAPT> [05/10/2025]

<sup>33</sup> Proposal relating to Social Package and Household Subsidy for Veterans of War and Defence Forces, <https://short-url.org/1c48m> [05/10/2025]

<sup>34</sup> Proposal of the Public Defender of Georgia adopted on February 12<sup>th</sup> N 04-15/1553, p.3-6 <https://short-url.org/1gKV8> [05/10/2025]; available only in Georgian.

<sup>35</sup> *ibid*, p.4-5.

<sup>36</sup> *ibid*, p.6

law (LEPL), was legally prohibited from getting a pension alongside with the salary.<sup>37</sup> The PDO addressed the authorities to ensure that the employee who, by nature of her duties did not perform any public task must be able to get both salary and pension.<sup>38</sup>

Furthermore, through the lens of social programs, lack of access to habilitation/rehabilitation services, insufficient funding, lack of geographical coverage or qualified personnel are part of the challenges faced by the PWDs as their social programs are concerned.<sup>39</sup> Moreover, children with disabilities are not a target group for a personal assistant service started late without involvement of the representative organizations at the municipal level.<sup>40</sup>

As regards to the right to adequate food as a facet of social program disregarding nutritional needs of the beneficiaries is still a problem as well as absence of the unified minimum standards for soup kitchen services in municipalities.<sup>41</sup>

The other gaps around social security system are discussed below under Articles 16, 23 and 31.

## Article 12§4

The government's report simply overviews the existing national legislation and policy documents without addressing the problematic aspects of their application in terms of eligibility to social security benefits and healthcare programs.<sup>42</sup> In 2022 the PDO examined the legal and practical existence of social programs for non-Georgian nationals as well as the level of their involvement in those programs.<sup>43</sup>

It was revealed that asylum seekers, refugees and people with humanitarian status get monthly allowance and their basic healthcare needs are also covered, which is not the case for applicants who seek this status.<sup>44</sup> However, they have no access to services at municipal level because

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<sup>37</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 235, <https://short-url.org/1gKy2> [05/10/2025]

<sup>38</sup> *ibid.*

<sup>39</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p. 233, <https://short-url.org/1gKzh> [05/10/2025];

<sup>40</sup> *ibid.*

<sup>41</sup> *ibid.* p. 227

<sup>42</sup> Report on the Implementation of the European Social Charter (unratified provisions) submitted by the Government of Georgia 31/03/ 2025, p.14-15, <https://shorturl.at/OfAPT> [05/10/2025]

<sup>43</sup> Human Rights Situation of Asylum Seekers and International Protection Status Holders in Georgia, Special Report of the Office of Public Defender of Georgia 2022, <https://short-url.org/1c4aH> [05/10/2025]

<sup>44</sup> *ibid.* p.34



there is only one municipality that finances emergency medical care for those who have residence permits and factually reside in the municipality.<sup>45</sup>

It is possible to use the provided services for foreigners with the relevant document. The Public Defender of Georgia underlines the legal shortcomings of issuing identification documents to persons subject to non-deportation based on the principle of family unity. To this end, legislative changes have not been enacted yet.<sup>46</sup>

In addition, access to the available services is hindered by the lack of information about the services due to the language barriers and lack of communication platforms.<sup>47</sup>

### Article 13§1 The right to social and medical assistance

The governmental report is only concerned with the healthcare aspect of this Article and provides description of the universal healthcare program.<sup>48</sup> Consequently, other aspects such as social security remain unaddressed, especially considering that the scope of this Article concerns those individuals who are beyond the applicability of any existing social security schemes. The majority of municipalities still have not approved a homeless registration rules, and where they exist, the concept of a homeless person is not uniform. In some municipalities where such a rule has been developed, homeless registration/housing provision takes a long time and the satisfaction rate is sharply low. Those persons who are not registered as homeless, they fall beyond the social security scheme and are not eligible to benefit from social allowances despite living in streets without financial resources.

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<sup>45</sup> *ibid*; Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p. 297, <https://short-url.org/1gL00> [05/10/2025]

<sup>46</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 265, <https://short-url.org/1gKy2> [05/10/2025]; Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p.298, <https://short-url.org/1gL00> [05/10/2025]

<sup>47</sup> Human Rights Situation of Asylum Seekers and International Protection Status Holders in Georgia, Special Report of the Office of Public Defender of Georgia 2022, p. 34 <https://short-url.org/1c4aH> [05/10/2025]; Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p.296-297 <https://short-url.org/1gL00> [05/10/2025]

<sup>48</sup> Report on the Implementation of the European Social Charter (unratified provisions) submitted by the Government of Georgia 31/03/ 2025, p.15, <https://shorturl.at/OfAPT> [05/10/2025]

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

The government's report under this Article covers inclusive education on every stage of formal education system.<sup>49</sup> However, it fails to identify key problematic aspects on each level.<sup>50</sup>

### *General education system*

Obstacles in terms of the education of PWDs persist, preventing them from receiving quality inclusive education.

The monitoring of resource schools carried out by the Office of the Public Defender in 2023 revealed that few institutions not only do not meet the standards of universal design but also pose a threat to the health and life of pupils.<sup>51</sup> They further had sanitary problems and the personnel, both personal assistants and teachers, were either not sufficient or properly trained to carry out their duties.<sup>52</sup> In fact, there were instances during the monitoring carried out by the PDO that one personal assistant was assigned to the entire class of pupils while the analysis of the teachers' training modules revealed that they are not oriented to the practical challenges encountered by teachers, they are basically unable to independently prepare teaching materials and plan the activities that are adapted on the individual needs of pupils.<sup>53</sup> It should be noted that the production of individual study plans/individualized education program does not comply with the established standard. Also, there is no variety of materials used in the teaching process. Work in the resource rooms is not carried out in accordance with the needs of the students. Internal monitoring of inclusive education is also problematic.<sup>54</sup>

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<sup>49</sup> *ibid*, p. 17-18

<sup>50</sup> *ibid*.

<sup>51</sup> Monitoring Report of Resource Schools, The Office of Public Defender of Georgia, 2024, p. 49, <https://short-url.org/1c4n4> [05/10/2025] available only in Georgian; For instance, there were a lot of outdated and dangerous items in the yard of Tbilisi Public School no. 203 and Kutaisi Public School no. 45. Among them, iron objects were scattered in the yard of School no. 203. There was also an old car parked in the yard. It should be noted that students had to cross this road every day to reach the study space and the canteen. Due to the inaccessible environment, the student using a wheelchair is deprived of the opportunity to reach the canteen and eat with other peers. Some schools do not have adapted WCs at all.

<sup>52</sup> Monitoring Report of Resource Schools, The Office of Public Defender of Georgia, 2024, ps. 5, 17, 27, 28, <https://short-url.org/1c4n4> [05/10/2025] available only in Georgian

<sup>53</sup> *ibid*, p.5

<sup>54</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 205, <https://short-url.org/1gKy2> [05/10/2025]

As far as the accessibility of higher education is concerned for the PWDs, see above the comments on Article 10.

## Article 15§2

The government in the report merely underlines the general importance of active labor market policy, provides information on the existence of career guidance/consulting services and the amount consultation conducted.<sup>55</sup> It also stresses that in the reporting period the Labor Inspection Office did not reveal any violations on of the requirements related to the principles of equal treatment of persons with disabilities.<sup>56</sup> Hence, the government overlooks defining human rights challenges faced by PWDs in both seeking employment and performing their duties if employed. Despite the activities carried out, promoting the competitiveness of persons with disabilities and their employment in the open labor market remains a systemic issue. Key challenges include limited geographic access to employment support services, outdated disability assessment systems, lack of access to the physical environment, information, labor market management system and low incentives among employers, the inadequate professional guidance, etc combined with low self-confidence and limited access to formal education, further hindering their participation in the labor market.<sup>57</sup>

Moreover, employment programs rarely address the specific needs of persons with disabilities, while job application processes and work conditions are often inaccessible. In particular, In 2022 the PDO examined those challenges. In fact, most of the PWDs interviewed during the mentioned study pointed out that apart from lack of accessibility of a physical environment in general, the stages of the selection process such as exams or interviews also do not consider their specific needs and are organized without considering reasonable accommodation standards.<sup>58</sup> Yet, if they do get employed, almost all the time face violations of reasonable accommodation standards at work.<sup>59</sup>

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<sup>55</sup> Report on the Implementation of the European Social Charter (unratified provisions) submitted by the Government of Georgia 31/03/ 2025, p.19, <https://shorturl.at/0fAPT> [05/10/2025]

<sup>56</sup> *ibid.*

<sup>57</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 205-206 <https://short-url.org/1gKy2> [05/10/2025]; Assesment of the Needs of PWDs in terms of Employment 2023, p.27, <https://rb.gy/hw2txn> [05/10/2025]; available only in Georgian; The Right to Work of Persons with Dissabilities Special Report of the Office of Public Defender of Georgia 2022 p.9, 54; <https://short-url.org/1c3-H> [05/10/2025] available only in Georgian;

<sup>58</sup> The Right to Work of Persons with Dissabilities Special Report of the Office of Public Defender of Georgia 2022, p.42, <https://short-url.org/1c3-H> [05/10/2025] available only in Georgian

<sup>59</sup> *ibid.*, p. 44.

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

The report under this Article overviews the Targeted Social Assistance Program and the benefits of Public Works Employment Promotion Program.<sup>60</sup>

As far as the Targeted Social Assistance Program is concerned, the PDO notes that the new methodology, launched in 2022, is still in a testing phase.<sup>61</sup> Furthermore, the proper administration of the program is still problematic considering that registration of a family in the system and transfer of money takes approximately 3 months.<sup>62</sup> This is especially problematic for the families because the program envisages not only social allowance but also many other benefits that are linked to that.<sup>63</sup>

Furthermore, the existing targeted social protection programs both at central and municipal level do not meet the needs of those children and their families who are in dire social-economic circumstances. This causes children to work in conditions that are harmful for their health and well-being, in addition to being one of the reasons for separating children from their families.<sup>64</sup> The current services and level of specialist involvement still fail to provide parents with the necessary support to overcome conditions that, if addressed properly, could have prevented the separation of children from their families.<sup>65</sup>

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<sup>60</sup> Report on the Implementation of the European Social Charter (unratified provisions) submitted by the Government of Georgia 31/03/ 2025, p.19-20 <https://shorturl.at/OfAPT> [05/10/2025]

<sup>61</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p. 227 <https://short-url.org/1gL00> [05/10/2025]; Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023 p. 193-194 <https://short-url.org/1gKy2> [05/10/2025]; Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2022 p. 186 <https://short-url.org/1c3HR> [05/10/2025];

<sup>62</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p. 227 <https://short-url.org/1gL00> [05/10/2025];

<sup>63</sup> *ibid.*

<sup>64</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2022, p. 212, <https://short-url.org/1c3HR> [05/10/2025]; Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 226, <https://short-url.org/1gKy2> [05/10/2025]; Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p.259 <https://short-url.org/1gL00> [05/10/2025];

<sup>65</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p.260, <https://short-url.org/1gL00> [05/10/2025];

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

Throughout 2023 the PDO under the equality mandate examined cases of employees who noted that the employers created hostile environment for them because they protested for dignified working conditions and fair remuneration.<sup>66</sup> In fact, in all these instances they faced discrimination on the grounds of their membership to labor unions.<sup>67</sup> In fact, in the first case concerning protests of ambulance doctors the employer held a mediation meeting after the mediation term established by law was expired and amended internal regulations on remunerating overtime work and the rules concerning payment of work performed on non-working days. These issues were subjects of the employees' protests and negotiations, but the employer made the amendments without consulting them.<sup>68</sup>

In another instance the employer turned down efforts of negotiation with the employees on account of their demands. It further created hostility between those who were members of the labor unions and those who were not part of that union.<sup>69</sup>

Considering all the circumstances mentioned above the PDO issued a general proposal to the advisory council of the Labor Inspection Service to create recommendations on account of proper protection of labor rights and preventing discrimination on the basis of membership of labor unions that would include creating guidelines on preventing such discrimination and during inspections draw special attention to supervise discrimination on the grounds of the labor union membership.<sup>70</sup>

It is noteworthy that under the equality mandate the PDO had a case whereby an employee had not been provided with guarantees under Labor Law as his employer perceived that legal

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<sup>66</sup>General Proposal to Labour Inspection's Advisory Council relating to Cases of Discrimination in Labour Relations November 28<sup>th</sup> 2023 available only in Georgian <https://short-url.org/1gLnH> [05/10/2025]

<sup>67</sup> *ibid.* p. 2-7.

<sup>68</sup> *ibid.* p.2

<sup>69</sup> *ibid.* p.4

<sup>70</sup> *ibid.* p.14; About this matter please also see Combating and Preventing Discrimination and the Situation of Equality 9<sup>th</sup> special report of the Office of Public Defender of Georgia, 2024, p.15, <https://shorturl.at/C3t9b> [05/10/2025]

relationship with the employee did not fall in the scope of labor law but was regulated under the norms pertaining to service contracts.<sup>71</sup>

In this case trade union activity had been ground for discriminatory treatment and termination of a contract.<sup>72</sup> However, after the PDO's recommendation an employer concerned has been reinstated but the employer did not share PDO's concerns on legal nature of the relationship, and it is still regulated under the service contract legislation.<sup>73</sup>

## Article 23 – The right of older persons to social protection

The government's report under this Article mainly reviews age-based pension packages for older persons, targeted social assistance program, social allowances for PWDs, deinstitutionalization of boarding houses for them.<sup>74</sup>

As regards to the Targeted Social Assistance Program see the comments on Article 16 above. The PDO asserts that the rights of older persons are independent from those of PWDs and the governmental approach to integrate former into the latter is a legal misconception.

In 2022 the PDO conducted a large-scale monitoring of daily care facilities for older persons operating under the auspices of municipalities.<sup>75</sup> The results revealed multiple violations on account of poor infrastructure, sanitary conditions, the beneficiaries' protection against violence and discrimination.<sup>76</sup> Hence, even the minimal requirements for proper administration of those establishments were not observed and the heads of the institutions were unaware of their existence.<sup>77</sup>

The PDO notes that those establishments are typical examples of institutions where single older persons or those who are in dire economic conditions are present for care probably till the end of their lives.<sup>78</sup> These are kinds of places where the beneficiaries' have no ability to

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<sup>71</sup> Comments regarding the 17th National Report on the implementation of the European Social Charter Submitted by the Government of Georgia 2025, p. 9, <https://short-url.org/1c4Cu> [05/10/2025]

<sup>72</sup> Combating and Preventing Discrimination and the Situation of Equality 9th special report of the Office of Public Defender of Georgia 2024, p.17-18, 16, <https://shorturl.at/C3t9b> [05/10/2025]

<sup>73</sup> *ibid*, p.16.

<sup>74</sup> Report on the Implementation of the European Social Charter (unratified provisions) submitted by the Government of Georgia 31/03/ 2025, p.22-23, <https://shorturl.at/OfAPT> [05/10/2025]

<sup>75</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2022, p. 219, <https://short-url.org/1c3HR> [05/10/2025];

<sup>76</sup> *ibid*.

<sup>77</sup> *ibid*.

<sup>78</sup> *ibid*.

independently govern their lives and make decisions.<sup>79</sup> Consequently, they are basically marginalized from society and are vulnerable to discrimination and violence.<sup>80</sup>

In 2023 the PDO assessed several private establishments that are entirely beyond the state's supervision. There is no legal framework regulating their administration or governmental supervision.<sup>81</sup> The country has no unified statistics on these institutions as well as the total number of beneficiaries placed in there.<sup>82</sup>

It is particularly alarming that due to their psycho-emotional condition and their dependence on the staff of these establishments the older persons do not speak up to protect their rights when they are at stake.<sup>83</sup>

Moreover, in 2023 there was only 22 municipalities across the country that offered home care services to the older persons.<sup>84</sup> The programs for the older persons in the rest of the self-governing units were limited to the provision of one-time assistance, which is intended for the population of different ages in different municipalities.<sup>85</sup>

Many of the challenges identified above persisted throughout the year 2024.<sup>86</sup> In fact, older persons are increasingly becoming socially marginalized because of digital exclusion, gender roles, ageism, cultural beliefs, habits, and the lack of concrete opportunities to participate in social life and decision-making. In addition, a lack of political will or insufficient financial and human resources can also create barriers to implementing participatory approaches.

Older persons living in rural areas face several challenges, including inadequate access to social, health, and basic services, as well as economic opportunities. They also have limited opportunities to participate effectively in political and public life, especially in decision-making related to the agricultural sector. This limits their ability to exercise their active and passive electoral rights.

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<sup>79</sup> *ibid.*

<sup>80</sup> *ibid.*

<sup>81</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 236, <https://short-url.org/1gKy2> [05/10/2025];

<sup>82</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p.267-268, <https://short-url.org/1gL00> [05/10/2025];

<sup>83</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 236, <https://short-url.org/1gKy2> [05/10/2025];

<sup>84</sup> *ibid.*, p.238.

<sup>85</sup> *ibid.*

<sup>86</sup> *ibid.*

The absence of a mandatory regulatory mechanism that addresses these challenges and issues is a significant concern. Therefore, the Public Defender supports the creation of a new international, legally binding instrument to protect the human rights of older persons.

Moreover, though Universal Healthcare Program aims to be the best possible healthcare service including for older persons, inadequate access to healthcare system for them persists to be a problem because of lack of geographical accessibility and trained medical personnel.

As far as deinstitutionalization of PWDs boarding houses are concerned, it should be underlined that there still are active boarding houses of Dusheti and Dzveri in the country.<sup>87</sup>

The housing services fail to ensure the creation of a family-like environment and the respect for beneficiaries' personal autonomy. The geographic coverage of small family-type services for persons with disabilities remains insufficient. At a systemic level, adequate efforts are not being made to increase the involvement of a supportive social circle for service users.<sup>88</sup>

The government further notes in the report that the medical model of determining status of PWDs will be replaced with biopsychological model but it does not provide any timeline.<sup>89</sup> Given the medical model is not in compliance with the international standards and leaving many PWDs outside the state's attention and is being consistently criticized by the PDO, the action plan on transition from it to biopsychological model has been assessed in the reporting period.<sup>90</sup> The findings revealed that the process is delayed.<sup>91</sup> A significant portion of the activities outlined in the action document began late, and their completion within the planned timelines is not achievable.<sup>92</sup>

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<sup>87</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p. 212, footnote 901, <https://short-url.org/1gKy2> [05/10/2025];

<sup>88</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p.12, <https://short-url.org/1gL00> [05/10/2025];

<sup>89</sup> Report on the Implementation of the European Social Charter (unratified provisions) submitted by the Government of Georgia 31/03/ 2025, p.23, <https://shorturl.at/OfAPT> [05/10/2025]

<sup>90</sup> Public Defender Addresses Ministry of Health with General Proposal to Replace Model of Granting Disability Status <https://short-url.org/1c4ZG> [05/10/2025]; Combating and Preventing Discrimination and the Situation of Equality, Special Report of the Public Defender of Georgia 2022, p.7-8, <https://shorturl.at/L3OPb> [05/10/2025]

<sup>91</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p.241, <https://short-url.org/1gL00> [05/10/2025];

<sup>92</sup> *ibid.*



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

The government partly describes the amendments made in the Law on Public Service in 2024-2025 and is concentrated only on the parts which grants an employee dismissed as a result of reorganization only a right to apply for monetary compensation.<sup>93</sup>

According to these amendments heads of structural units as well as their deputies, previously been attributed to the first and second ranks and appointed indefinitely, are no longer professional public servants.<sup>94</sup> Instead, they can be hired for a limited term through an administrative contract.<sup>95</sup>

The PDO criticized this framework because it significantly reduced the guarantees of labor rights of public servants.<sup>96</sup> Because of these amendments, the rank-based meritocratic system of public service has seriously deteriorated.<sup>97</sup>

Furthermore, amendments in the Law of Public Service have already been relied upon to dismiss many civil servants according to information spread in public sources. As of March 2025 The Public Defender's Office has proactively contacted 41 dismissed persons and provided detailed information on the procedures for case proceedings and how to apply to the Office.<sup>98</sup> It is noteworthy that some of them have applied to the PDO. They allege discrimination on the basis of their political expression and dissent. 11 applications were filed with the Public Defenders' Office on behalf of 23 individuals alleging discrimination in labor relations on the ground of their political/different opinion. Currently, out of 11 applications the PDO is examining 6 applications while other applicants have addressed to courts.<sup>99</sup>

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<sup>93</sup> Report on the Implementation of the European Social Charter (unratified provisions) submitted by the Government of Georgia 31/03/ 2025, p.24-25, <https://shorturl.at/OfAPT> [05/10/2025]

<sup>94</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p. 221, <https://shorturl.at/6FmL> [05/10/2025]

<sup>95</sup> *ibid.*

<sup>96</sup> Comments regarding the 17th National Report on the implementation of the European Social Charter Submitted by the Government of Georgia, The Office of Public Defender of Georgia 2025, p.7, <https://short-url.org/1c3Ft> [05/10/2025]

<sup>97</sup> *ibid.*

<sup>98</sup> Comments regarding the 17th National Report on the implementation of the European Social Charter Submitted by the Government of Georgia, The Office of Public Defender of Georgia 2025, p.10, <https://short-url.org/1c3Ft> [05/10/2025]; The Statement of the Public Defender of Georgia <https://shorturl.at/VkZQI> [13/10/2025]

<sup>99</sup> *ibid.*

About instances of discriminatory dismissal from a private sector see the comments on Article 8.2. Currently the PDO has only 3 cases with 5 applicants alleging discriminatory dismissal from the private sector.

In the first case examined by the PDO, an employee expressed dissatisfaction with the fact that the company's production being sold at the supermarkets was out of date. As a result, the applicant was fired from the job.<sup>100</sup>

The 2 cases concerned termination of contracts with the platform workers based on an expression of dissatisfaction about the working conditions.<sup>101</sup> In examining those cases the PDO has extensively reviewed the international standards and found that these relationships must be regulated under the labor contracts and not the service contracts as they currently do.<sup>102 103</sup>

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

See the comments on Article 22

## Article 30 – The right to protection against poverty and social exclusion

See the comments on Article 16

## Article 31 – The right to housing

The government's report under this Article is of descriptive character as it does not elaborate on any key challenges of housing in Georgia.<sup>104</sup> To this end, the PDO consistently points out that social housing in Georgia does not meet minimal international standards as it is grossly

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<sup>100</sup> Public Defender Establishes Discrimination Based on Dissent in Labour Relations <https://shorturl.at/Qspqi> [05/10/2025]

<sup>101</sup> Public Defender Finds Discrimination Based on Dissent in Labour Relations towards Wolt Courier <https://shorturl.at/vPgml> [05/10/2025]

<sup>102</sup> Public Defender Finds Discrimination against Wolt Couriers Based on Dissenting Opinion in Labour Relations <https://shorturl.at/E5120> [05/10/2025]

<sup>103</sup> Public Defender Finds Discrimination Based on Dissent in Labour Relations towards Wolt Courier <https://shorturl.at/vPgml> [05/10/2025]; Public Defender Finds Discrimination against Wolt Couriers Based on Dissenting Opinion in Labour Relations <https://shorturl.at/E5120> [05/10/2025]

<sup>104</sup> Report on the Implementation of the European Social Charter (unratified provisions) submitted by the Government of Georgia 31/03/ 2025, p. 30, <https://shorturl.at/OfAPT> [05/10/2025]

inadequate and in most cases in a condition that is incompatible with human dignity, while in some of the facilities poses a threat to life and/or health.<sup>105</sup>

It is also noteworthy that legislation still does not provide for minimum standards for arranging social housing for homeless persons. Municipal budgets finance programmes for persons in need of adequate housing, which mainly imply provision of rent, rehabilitation of damaged houses, one-time assistance, or in some cases, purchase/construction of houses. It is also worth noting that the criteria for participation in the programmes are not uniform and vary sharply between municipalities.

The challenges mentioned above are especially critical for the people with disabilities because almost none of them meet the reasonable accommodation standards because there is no support services designed for them in place, infrastructure does not meet minimal requirements of accessibility, and almost all of social housing establishments are overcrowded which renders no space for the needs of PWDs.<sup>106</sup> Due to these problems the institutions do not create conditions for independent living and monthly rental allowances due to its term limited nature and small amounts is inherently unstable for long term housing of PWDs as well as for meeting their needs.<sup>107</sup>

Furthermore, social programs for homeless people in municipalities are either insufficient or non-existent. In fact, in 2022 there was only one municipality that had free space to reside homeless people for long term while in other municipalities their support was shown only through monthly rental allowance for a single fiscal year.<sup>108</sup> These challenges reveal that the country has no unified and coherent policy to address homelessness.<sup>109</sup>

Regarding the rules to register as a homeless, see comments above under Article 13§1.

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<sup>105</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2022, p. 191-192, <https://short-url.org/1c3HR> [05/10/2025]; Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2023, p.197-198, <https://short-url.org/1gKy2> [05/10/2025]; Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p.229 <https://shorturl.at/6FmL> [05/10/2025]

<sup>106</sup> Implementation of Housing Services in the Context of the Rights of Persons with Disabilities, Special Report of the Public Defender 2022, p. 11, <https://shorturl.at/hFPna> [05/10/2025] available only in Georgian

<sup>107</sup> *ibid*, p.55-56.

<sup>108</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2022, p. 192, <https://short-url.org/1c3HR> [05/10/2025];

<sup>109</sup> Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia 2024, p. 229, <https://shorturl.at/6FmL> [05/10/2025]