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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

REPLIES BY THE GOVERNMENT OF GEORGIA

**To the list of issues (E/C.12/Q/GEO/2) to be taken up in connection with
the consideration of the second periodic report of Georgia concerning
the rights referred to in articles 1-15 of the International Covenant on
Economic, Social and Cultural Rights (E/1990/6/Add.31)**

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I. GENERAL FRAMEWORK FOR THE IMPLEMENTATION OF THE COVENANT

A. Land and people

1. *According to the report, in recent years 1.5 million people have left the country, primarily for economic reasons. Please provide information on what effective measures the State party has undertaken to stem the flow of so many Georgians leaving the country.*

Initial indications from the recent census in Georgia put the country's population at some 4.4 million. Based on data from the previous census, held in 1989, the population has declined by approximately 1 (and not 1.5) million. Since the main factors driving immigration are of an economic nature, the task of stemming the flow of emigrants is being tackled primarily through efforts to improve the general economic situation in the country. As noted in the report under consideration (see paras. 122 and 123), a national programme to overcome poverty and promote economic growth has been developed to this end by the Georgian Government, with the support of international organizations. It is still too early for this programme to have achieved any specific results, since it still needs final tuning.

2. *Please provide information on the status of internally displaced persons within the country (280,000 persons) and indicate what effective measures the State party has taken to ensure their effective enjoyment of economic, social and cultural rights.*

Regrettably, we must report once again that there have been no improvements in the situation of internally displaced persons in Georgia. The effective enjoyment of economic, social and cultural rights, as of other human rights and freedoms, is only possible for displaced persons once they have been returned to their homes in Abkhazia in secure and dignified conditions. In this context, we draw attention to Security Council resolution 1393 (2002) of 31 January 2002, the Council's most recent resolution on the situation in Abkhazia, Georgia. The resolution reaffirms the principle of the territorial integrity of Georgia and stresses that the political status of Abkhazia can only be determined within the context of the existing State of Georgia. At the same time, the resolution states in no uncertain terms that displaced persons have the right to return to their homes in secure and dignified conditions.

As things stand, there is no repatriation of displaced persons, owing to the lack of progress in talks on a political settlement of the conflict surrounding Abkhazia. The root causes of this lack of progress lie in the unconstructive position taken by the separatist leaders of the region, an issue which lies outside the scope of the present question.

The State is making every possible effort to alleviate the situation of displaced persons and to uphold their rights, including their economic, social and cultural rights. It should be noted that, at the legislative level, displaced persons are guaranteed the enjoyment of all constitutional rights accorded to Georgian citizens. Guarantees provided to displaced persons in their places of temporary refuge are enshrined in the relevant statutes adopted in June 1996. Thus, the Forcibly Displaced Persons and Exiles Act obliges the Ministry for Refugee Affairs and Population Resettlement, together with other executive authorities and local authorities:

- To render assistance to displaced persons in finding employment;
 - To grant lump-sum and monthly benefits to displaced persons during the period of their displacement;
 - To provide free medical care;
 - To ensure that medicines are provided free of charge to the disabled, elderly, children and families which have lost their breadwinner;
 - To resolve issues relating to the pension entitlements of displaced persons, etc.
- (art. 7, para. 2).

At the same time, we should note that the State's capacity to provide material assistance to displaced persons is fairly limited, although, in scope, this programme is one of the largest in the country. In 2000, 42.5 million lari was allocated to the programme, and 60 million lari earmarked in 2001. Displaced persons receive a monthly cash benefit from the State, at an average level of 14 lari (approximately US\$ 7). The State also subsidizes the heating requirements of each displaced person to the level of 50 kW per month, to be increased in 2002 to 100 kW per month. In addition, displaced persons are granted free annual passes to use the subway and receive special discounts on train tickets.

As noted in the national programme to overcome poverty and promote economic growth, displaced persons encounter serious problems in exercising their economic, social and cultural rights, particularly those living in the reception centres. Unemployment levels for people in this category are twice the national average, and their wages are lower than the national average. Housing conditions for displaced persons, particularly in reception centres, are worse than average such conditions in the country.

At the same time, projects are under way in Georgia to improve the situation of displaced persons, with the involvement of international organizations. One such project is described below.

Joint efforts by the Government of Georgia, the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Bank and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) have resulted in the so-called “New Approach” project to assist internally displaced people. The aim of this joint initiative is to improve the living conditions for people in this category and host families through reforms in government policy and the development of more acceptable assistance programmes. In order to set up such programmes, the New Approach partners, with the support of the Swiss Agency for Development and Cooperation, have established a Georgian self-reliance fund. Technically speaking, this fund is a trust under the World Bank’s Post-Conflict Fund and responsibility for the selection of projects and for the taking of decisions rests with the observer committee, comprising representatives of the agency providing finance for the fund and of the Government. Currently, the fund is operating on resources allocated by the Swiss Agency for Development and Cooperation, UNDP, UNHCR and the World Bank. These operating resources amount to some US\$ 2,000,000.

**B. General legislative framework within
which human rights are protected**

3. *Has the State party formulated a national plan of action on human rights, as recommended by the Committee in its concluding observations on Georgia’s initial report (E/C.12/1/Add.42)?*

Unfortunately, Georgia does not have a consolidated national plan of action on human rights, covering all rights and freedoms or specific groups. Action plans of this kind have, however, been developed for the promotion of women’s rights. In this context, we might refer to paragraph 23 of Georgia’s initial report under the International Convention on the Elimination of All Forms of Racial Discrimination, citing the National Plan of Action for the Advancement of Women, adopted by Presidential Order in June 1998, and to the decree ratifying the 2000-2002 plan of action to combat violence against women, issued by the Georgian President in February 2000. The issues addressed by the National Plan of Action for the Advancement of Women include measures to uphold the economic and social rights of

women. More detailed information on certain specific steps already taken in this direction will be found in Georgia's second periodic report under the Convention on the Elimination of All Forms of Discrimination against Women.

At the current time, the relevant State commission, set up by presidential decree in March 2001, is concluding its work on a central national programme of action for the assistance of children, which will be based on the provisions of the Convention on the Rights of the Child. The programme is scheduled for implementation over the period 2002-2007.

The question of a consolidated plan of action for human rights protection in Georgia remains on the agenda and the plan may be elaborated in the near future.

4. *Does the State party intend to ratify International Labour Organization (ILO) Conventions No. 2 (Unemployment Convention), No. 81 (Labour Inspection Convention), No. 102 (Social Security (Minimum Standards) Convention) and No. 182 (Worst Forms of Child Labour Convention)?*

According to information submitted by the Ministry of Labour, Health and Social Welfare, ILO Convention No. 182 has recently been submitted to the Georgian Parliament and will soon be ratified.

C. Information on the rights recognized in the Covenant

5. *Please indicate the measures taken by the State party to inform the general public and Government employees, particularly those serving in law enforcement agencies, of the rights recognized in the Covenant.*

In recent years, several compilations of international human rights instruments have been published in Georgian, both in Tbilisi and in the Ajar Autonomous Republic. These include the text of the Covenant, which is therefore available to any interested member of the public. Of recent publications, we might note in particular the two-volume compilation of international human rights legislation, prepared by the staff of the Georgian Ombudsman's office, with support from the Swedish International Development Cooperation Agency (SIDA) and the Raoul Wallenberg Institute, and published in a relatively large print-run. The compilation also contains a close translation of the text of the Covenant.

In 2001, the subject "Police and human rights" was added to the syllabus of the Georgian Police Academy, and its study includes both the text of the Covenant and aspects of its implementation in this country. Classes on the course have been given by representatives of both State bodies and non-governmental organizations.

In general, there has been a growing interest by local non-governmental organizations in the Covenant and its implementation in Georgia. As evidence of this, we may cite a number of seminars organized over the reporting period by non-governmental organizations. One of the focuses of these seminars was precisely a discussion of the situation relating to the rights covered by the Covenant. At the most recent of these seminars, at the end of 2001, a discussion took place of Georgia's second periodic report under the Covenant, with the participation of authoritative experts, representatives of the relevant States bodies and a number of non-governmental organizations.

6. *Please provide information on the mandate, powers and degree of independence of the Committee for the Protection of Human Rights and for Ethnic Relations.*

The question is worded in such a way that we are not sure precisely which body is meant. If the reference is to the State Committee for Human Rights and Ethnic Relations, we should point out that this body was abolished in 1996, following the establishment, pursuant to the Constitution, of the institution of an ombudsman in Georgia. Below we provide information on the current bodies dealing with the protection and promotion of human rights under Georgia's executive and legislative branches.

Following parliamentary elections in October 1999, the newly-elected parliament established a committee on the protection of human rights, citizens' petitions and the building of civil society and a committee on civil integration, which deals specifically with minority issues and efforts to involve minorities more fully in the political and social life of the country. In accordance with article 56, paragraph 1, of the Constitution, the mandate of parliamentary committees includes the preparation of draft legislation, assistance in carrying out decisions and monitoring of the activities of the Government and other bodies accountable to parliament.

Within the executive branch, the office of the Deputy Secretary of the National Security Council for the Protection of Human Rights, which was created on the initiative of the President of Georgia, has been in operation since April 1997. In addition to its executive and coordinating functions, the office also has some degree of monitoring authority. In collaboration with the President's administrative staff and the relevant ministries and departments, the Deputy Secretary's office makes a significant contribution to the practical implementation of constitutional guarantees of human rights and freedoms in Georgia.

In January 1997, the post of assistant to the President with responsibility for ethnic affairs was established. The assistant and his or her staff are responsible, among other things, for working with national minority associations and, in general, the various diasporas in Georgia and for initiating and fostering contacts with Georgians living outside the country. One of the assistant's basic tasks is to foster a civic spirit among minorities and to tap their potential as fully fledged citizens of Georgia more effectively.

Where the work of the Ombudsman is concerned, the Constitution and the Ombudsman Act, which was drafted with the help of international experts, give the Ombudsman broad powers to identify and investigate violations of human rights by State bodies. All Georgian citizens, as well as foreigners, stateless persons and non-governmental organizations, may have recourse to the Ombudsman. Like the Ombudsman of other countries, the Georgian Ombudsman has no directive powers; the documents prepared by the Ombudsman are of a recommendatory nature. Nonetheless, as the standing of the Ombudsman's office grows in Georgian society, the effectiveness of the Ombudsman's work increases accordingly. Twice a year the Ombudsman reports to parliament on the situation with regard to the observance of human rights and freedoms in Georgia; the report is issued as an official document of parliament.

7. *Please provide information on human rights education in the State party's schools and universities.*

Detailed information on this matter may be found in paragraphs 306-310 of Georgia's initial report under the Convention on the Elimination of All Forms of Racial Discrimination, and paragraph 242 of its second periodic report under the Convention on the Rights of the Child. This information may be summarized as follows:

- In general educational schools, children in the final grade of primary education (grade 4) in Tbilisi schools learn about the Convention on the Rights of the Child. In the final grades of basic (grade 9) and secondary (grade 11) education, children everywhere in the country study the Universal Declaration of Human Rights as an optional subject to which one hour a week is allocated;
- At Tbilisi State University, in the Faculty of International Law, students can attend a special human rights course and a course with the same name is also offered by the Law Faculty;

- The subject of human rights is taught in all departments of Tbilisi State Teacher Training University, as an optional course in some subjects and compulsory in others;
- The subject of international human rights law is offered in the Arts and Technology Faculty of Tbilisi State Technical University.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2.2. Non-discrimination

8. *Please provide information on what effective measures the State party has undertaken to rectify the situation whereby women are mostly employed in low-paying jobs and are not well represented in official and senior management posts (para. 88 of the report). Please also provide information on the considerable discrepancy in wages between men and women and measures taken to address this problem.*

Over the intervening period since the submission of the report, the situation described in paragraph 88 has remained virtually unchanged. At the same time, under the National Plan of Action for the Advancement of Women (see answer to question 3 above), the Ministry of Labour, Health and Social Welfare has been tasked with developing a plan of measures to enhance the economic situation of women by providing vocational training and further training and promoting their involvement in all sectors of the economy. In compliance with this mandate, in June 2000 the Ministry of Labour, Health and Social Welfare issued an instruction on the issue, but this has not yet resulted in any tangible progress.

With regard to the representation of women in senior management, the following facts are worth noting:

- At the end of 2001, a woman - Nino Burjanadze, a prominent figure in Georgian politics - was elected Chair of the Georgian Parliament, the first woman to hold such office since the country's independence. In addition, the Parliamentary Committee on Human Rights is chaired by a woman and a further six women are either deputy chairs or at the head of the subcommittees of various parliamentary committees. In all, there are 16 such committees in the Georgian parliamentary system. Two of the country's 14 parliamentary groups have women as their deputy leaders;
- In the executive branch, two ministers - for culture and for the environment - are women. Eight of the country's first-deputy and deputy ministers are women. In all there are 18 ministries in the Government;

- The President's parliamentary secretary is a woman;
- The deputy secretary on the National Security Council with responsibility for human rights matters is a woman;
- Two of Georgia's extraordinary and plenipotentiary ambassadors are women (to the Council of Europe and to Italy);
- Roughly half the country's judges are women;
- The Georgian Ombudsman is a woman.

All the same, the presence of women in senior management could still be more appreciable, given their proportion in the country's population and their high educational level. Women are playing an increasingly important role in the so-called "third sector". This demonstrates that women are anxious to be more actively involved in public life and to influence processes under way in society and is also, to a certain extent, evidence of their growing political ambitions.

With regard to the difference in wages paid to men and to women, steps to resolve this problem will be mapped out in the 2000-2005 State programme to improve the correlation between the minimum wage and the subsistence minimum, which has been submitted to the President for ratification. It is possible that, by the time the second periodic report is discussed by the Committee on Economic, Social and Cultural Rights (i.e., November 2002), we will already have information about the first results of the implementation of this programme.

Article 3. Equality between men and women

9. *Please provide information on what effective measures the State party has taken to guarantee gender equality in the enjoyment of economic, social and cultural rights and provide updated information on the implementation of the national plan of action adopted in this respect, as requested in the Committee's concluding observations (para. 27).*

In February 1998, a State commission for the elaboration of a State policy on the advancement of women was set up, with the responsibility to prepare a national plan for the advancement of women and to monitor its implementation. As noted above, in our answer to question 3, the national plan includes steps to uphold the economic and social rights of women but it is precisely in this area of its implementation that the plan has encountered its toughest problems.

Thus, no special programme has yet been developed for women working in the private sector (one of the tasks entrusted to the Ministry of Economics). The programme to promote better income conditions for women living in rural areas has only been partially implemented: the Ministry of Agriculture and Food Production is currently developing a special programme for women living in mountain regions. No arrangements have yet been set in place to promote the involvement of women in small and medium-sized businesses. Efforts to tackle the problem of poverty among women are contingent on the success of the national programme to overcome poverty and to promote economic growth, which has not yet been finalized.

An analysis of the status of implementation of the economic and social aspects, as well as other provisions of the National Plan of Action for the Advancement of Women showed that there was an urgent need to extend its time-frame. Accordingly, the President issued a decree in December 2000 extending the plan to the year 2005.

Efforts to resolve gender equality issues at the constitutional and legislative levels are conducted in full compliance with international human rights rules and standards. Article 14 of the Constitution stipulates the freedom and equality of all before the law, in particular, irrespective of sex. Where women are concerned, note should be taken of another constitutional provision, which provides legal guarantees of maternity rights (art. 36, para. 3). Provisions enshrining the equality of men and women before the law may be found in virtually all Georgia's statutes. In addition, the country's labour legislation contains a number of provisions of an affirmative nature, ensuring that women enjoy better working conditions than men.

All in all, we may state with full certainty that, in Georgia, problems arising in the exercise of the rights guaranteed by the Covenant are not related to gender considerations, but may be ascribed to the generally unfavourable situation in the economy and, by extension, society as a whole.

III. ISSUES RELATING TO SPECIFIC ISSUES OF THE COVENANT (arts. 6-15)

Article 6. Right to work

10. Please provide updated statistics on unemployment levels in the country, as well as on the measures undertaken to deal with this problem.

Figures provided by the Georgian State Statistics Department show the following unemployment levels in the country for the first three quarters of 2001 by strict ILO criteria - 11.4 per cent and by the so-called "soft" criteria - 16 per cent, representing an

increase since 2000 of 0.6 and 0.1 per cent, respectively. Only 2.5 per cent of the total number of unemployed are registered with government and private job centres. Unemployment levels in towns are 4-5 times higher than in the countryside. This is due to the particularly high level of self-employment in the countryside - 79.3 per cent, as against 31.8 per cent in the towns.

A study of home-based businesses is currently being made, with a view to determining the real levels of economic activity, employment and unemployment in Georgia. Under the terms of the study, a person aged over 15, who, during the last seven days prior to being questioned under the study, spent at least one hour engaged in a remunerative activity, is considered self-employed. This applies not only to agricultural work, but also, for example, to the preparation of jam, weaving of baskets, gathering of mushrooms for personal consumption or for sale. Clearly, in these conditions, employment levels in the countryside will be much higher than in the towns.

The same explanation is to be adduced for the much higher level of unemployment among men than among women - on average four percentage points higher. In the third quarter of 2001, employment levels were as follows: among women - 10.4 per cent by ILO strict criteria and 14.3 per cent by soft criteria; among men - 11.1 per cent and 15.3 per cent, respectively.

Broken down by age groups, the highest unemployment levels are to be found among youngsters between the ages of 15 and 24 - more than three times the national average. Because their official salaries and pensions are so low, the level of economic activity is particularly high among people of immediate pre-retirement and post-retirement age.

The necessary legislative framework has been established in Georgia to tackle unemployment and to develop a proactive employment policy, with the appropriate organizational arrangements. In 2001, Parliament adopted the Employment Act, setting out the legal, economic, social and organizational underpinnings for this undertaking. In May 2001, regulations on the government employment service, a legal entity under public law, and the system for the recording and registration of job-seekers and the unemployed were approved by presidential decree. In January 2002, the Minister of Labour, Health and Social Welfare approved regulations on the mandatory notification procedures for private job centres, the procedure for the allocation and payment of unemployment grants and benefits and on measures to prevent unemployment.

To improve employment prospects for the unemployed, the Ministry of Labour, Health and Social Welfare provides funding for business proposals. Consultation centres are being set up to assist emergent businessmen and registered unemployed, offering facilities where they can study the fundamentals of entrepreneurial activity and receive useful consultations. The cost of consultancy services provided to registered unemployed are covered from funds allocated by State social security and job-creation programmes for the unemployed.

To promote the creation of new jobs, a pilot programme has been launched to give financial support to established businessmen, under which 54 projects have been conducted and more than 1,100 full-time jobs have been created in various parts of the country, primarily for the disabled, mothers of large families and people who have been out of work for more than 12 months. In addition, more than 1,000 temporary jobs were created as part of 42 of these projects.

11. *Please clarify what the dividing line is between the unemployed and the self-employed (according to paragraph 25 of the State party's report, nearly 58 per cent of the labour force).*

Under article 4 of the Employment Act, the concepts "unemployed" and "self-employed" are to be understood as follows:

- Unemployed persons are able-bodied persons of legally employable age who are without work and, accordingly, remuneration, who are seeking work and are ready at any time to start work (para. (d));
- Self-employed persons are individuals who, without setting up legal entities, engage in business activities at their own risk, or individual entrepreneurs whose work does not involve hired labour (para. (b)).

The State Statistics Department has a slightly different interpretation of these categories:

- Unemployed persons are persons aged over 15 who have been engaged in no work during the week in which the investigation was conducted, who have spent the previous four weeks actively looking for work and, in the event that they find jobs, are ready to start work within the next two weeks;

- Unemployed persons, by soft criteria, are persons aged over 15 who have been engaged in no work during the week in which the investigation was conducted, who have not spent the last four weeks looking for work, since they have lost any hope of finding jobs, but, if they do find jobs, are prepared to start work within the following two weeks;
- Self-employed persons are persons who undertake activities on their own initiative during the reporting period for the purpose of financial gain or earning an income for their families (in money or in kind).

The State Statistics Department registers as “self-employed” the following categories:

- Employers;
- Entrepreneurs and business owners who use no hired labour;
- Members of production cooperatives;
- Persons working without remuneration in a family business or farm.

12. *Please explain whether any specific measures have been taken under the national employment programme to combat unemployment (para. 40 of the report). Please also explain if the State employment service has been created (para. 42 of the report).*

As noted above in the answer to question 10, the necessary legislative framework to combat unemployment in Georgia has already been set up, with the appropriate organizational arrangements. Here we give some information relating to the first part of this question, in addition to that already provided.

The national employment programme, the development of which commenced in 2000, includes three component programmes:

- On unemployment benefits;
- On the creation of temporary and permanent jobs for the unemployed;
- On vocational training and retraining.

In addition to the national programme, it is also planned to develop comparable regional and special-purpose programmes.

In line with the requirements of the Employment Act, certain non-governmental and private bodies are actively involved in implementing the country’s employment policy, namely:

- Consultative centres, which will train unemployed people in how to start their own business activities and provide consultancy services for those already in business;

- Commercial banks, which will be responsible for paying unemployment benefits and promoting job creation by providing subsidized loans, helping the employment programme to expand and increasing the number of beneficiaries.

The State employment service has already been set up and has the status of a legal entity under private law. Its activities are monitored by the Ministry of Labour, Health and Social Welfare. Its primary functions are the following:

- Tracking, registering and monitoring the unemployed;
- Allocating unemployment benefits;
- Helping to develop job-creation programmes;
- Creating a centralized database;
- Organizing community work;
- Providing agency services to help people find jobs;
- Organizing vocational guidance services.

The following table gives an indication of the funding provided to job-security and job-creation programmes in 2001 and the funding earmarked for 2002 (in thousands of lari).

		<u>2001</u>	<u>2002</u>
	Job-security and job-creation programmes	5 100	5 500
1	Job placement programme for the unemployed	1 650	1 850
2	Temporary employment programme for the unemployed	1 100	1 500
3	Vocational guidance, training and retraining programme	-	500
4	Unemployment benefits programme	2 000	1 000
5	Organizational and administrative costs of the State employment service	350	650
6	Arrears	-	-

13. *Please provide updated information on vocational training of the unemployed, as well as on the retraining for specialists (para. 58 of the report). Please explain why almost half of the unemployed who underwent vocational training have not received the relevant certificate.*

Under the new Employment Act, there is a requirement that, when providing vocational training and retraining for the unemployed, account must be taken of the demand in a given trade or profession. The Ministry of Labour, Health and Social Welfare is starting to work on the definition of professional standards applicable to vocational training and retraining and to refresher courses.

With regard to the second part of the question, this relates to information contained in paragraph 48 of the report. Since, under the law, an unemployed person only receives the

certificate in question from the training centre on completion of the vocational training or retraining course, we may presume that the people who do not receive certificates are those who, for some reason or other, did not complete their training courses.

14. *Please provide information on what measures have been taken to provide greater access to the workplace for the disabled, as recommended in the Committee's concluding observations (para. 25).*

In addition to the information provided in the report (paras. 68-70), note might be taken of the following.

As defined by the new Employment Act, persons with limited capacity (i.e., disabled persons) belong to that category of the labour force which has difficulty competing on the job market. Accordingly, they receive priority in employment programmes. In 2001, a total of 1 million lari was assigned for job-creation and job-placement measures for the disabled.

Article 7. Right to just and favourable conditions of work

15. *Please provide information on what measures the State party has taken to deal with the problem of the low level of the wages and salaries during the period between the initial and the second periodic report.*

The section of the second periodic report covering implementation of article 7 of the Covenant (79-86) describes the steps taken by the Government over the reporting period to address the wages problem. The report also identifies difficulties impeding these efforts. In addition, the Committee might wish to note the following information.

The Ministry of Labour, Health and Social Welfare is currently endeavouring to regularize the wages system for hired labour. A bill on amendments and supplements to the Subsistence Minimum (Calculation Basis) Act has been submitted to Parliament for its consideration. The bill sets out measures to protect people's real income and, in particular, income from employment, in a situation where consumer prices are rising and, with them, the subsistence minimum. Another very important undertaking in this area is the drafting of the 2001-2005 State programme to improve the correlation between the minimum wage and the subsistence minimum (see the answer to question 8 above), which sets out the parameters for a steady increase in the minimum wage and, accordingly, of wages in general.

According to official statistics, between 2000 and 2001 the average wage increased by 23 per cent, rising from 72 lari to 89 lari. Official salary levels in the budget sector were set in 1998 and the average salary measures 80 lari. In 2000 and 2001, steps were taken to

regularize wages and salaries in the judicial system (the average salary is 337 lari), the procuratorial bodies (139 lari), and Parliament (296 lari). In the executive branch, wages and salaries will be regularized through efficiency measures and by optimizing the size of the civil service.

Provision is made in the Georgian budget for the current year for an increase in the salaries paid to the teaching staff at higher educational institutions (by an average of 30 per cent), to be covered by additional budgetary allocations.

16. Please indicate what measures have been taken by the State party to ensure the timely payment of wages, as recommended in the Committee's concluding observations (para. 24).

Over the recent period the Government has had a certain measure of success in tackling the question of the timely payment of wages, basically by sorting out its fiscal policy and ensuring the better availability of budgetary revenues. The situations of the past, where wages were not paid for many months on end, are no longer tolerated, even though there are some delays. The Government has now undertaken, as a priority, to settle all arrears by gradually paying out outstanding wages for previous years. In the 2001 budget, 80 million lari were earmarked for such payments.

17. Please provide updated information on work accidents and what effective measures have been taken to deal with this problem.

In 2001, the State Labour Inspectorate identified and investigated 33 accidents, in which 30 people were killed and 18 severely injured. The number of fatalities and injuries broken down by economic sectors is as follows:

- Energy sector - 9 fatalities;
- Industry and services sector - 5 fatalities and 6 injuries each;
- Transport - 6 fatalities and 2 injuries;
- Construction - 3 fatalities and 3 injuries;
- Administrative bodies - 1 fatality and 1 injury;
- Forestry - 1 fatality.

The most frequent reasons adduced for accidents are contact with high tension cables (6); poor labour discipline, including failures to follow correct procedures for handling machines (6); motor vehicle accidents (4); and falls (3).

The State Labour Inspectorate points out that the statistics collected on work accidents fall far short of the real picture. This is because there is almost total disregard for the requirements in the relevant regulations that employers are obliged to inform the Inspectorate about all such incidents. Unfortunately, the law prescribes no liability for concealing accidents at work. As a result, the State Labour Inspectorate has to rely on secondary information sources - data submitted by the Procurator's Office, by the traffic police, casualty wards, the media and reports by the victims themselves.

An analysis of the accidents shows that most are due to failure by employers to comply with their obligations to provide safe working conditions for their employees.

Over the last 12 months, the State Labour Inspectorate has inspected more than 1,000 organizations, employing a total of more than 60,000 workers. In the course of these inspections, more than 6,000 violations of the labour safety requirements were detected. The employers were given a specific period to put right the violations. Until they were put right, as required by the State Labour Inspectorate, the operation of two organizations and more than 20 sections and workshops was suspended and more than 700 lathes, machine tools and other pieces of equipment were shut down. In some cases, the Inspectorate applied the relevant provisions of the Administrative Offences Code and handed the matter over to the courts. This led to 40 employers being fined a total amount of 4,500 lari.

The State Labour Inspectorate points out that the Monitoring of Entrepreneurial Activity Act currently in force in Georgia has considerably restricted its ability to enter companies for the purpose of inspecting their working conditions. It should be noted in this context that the same act is in conflict with the provisions of article 12 of ILO Convention No. 81, which Georgia has not ratified (see question 4).

Article 8. Trade union rights

18. Please provide statistical and other information, showing trends over the past five years, on the number of persons in the economically active population who belong to trade unions.

The principles for the formation and activity of trade unions in Georgia are set forth in the Trade Unions Act, which stipulates that the activities which trade unions are entitled to conduct include, among others, defending and representing the labour, social and economic rights of their members; monitoring the conclusion and implementation of collective agreements; collective bargaining; participating in the settlement of collective labour disputes; promoting

employment; and conducting public monitoring of compliance with labour legislation (arts. 10-13 and 16).

In 1999, the presidential decree on measures to support trade unions in exercising their rights entered into force. This decree identifies the powers accorded to trade unions by law, namely: inclusion of their representatives on the boards of the central and local executive authorities and of other State bodies; involvement in the drafting of legislation relating to labour issues and other social questions; and monitoring compliance with labour laws.

There were trade unions in Georgia during the Soviet era, but their activities were of a purely symbolic nature. The post-Soviet period saw the emergence of the Georgian Trade Union Congress - a voluntary association of sectoral and area-based trade unions, set up on the basis of the common interests and operating principles of its member organizations. This amalgamated trade union also incorporates the trade union organizations of Abkhazia and Ajara, and 32 sectoral trade unions. In their dealings with the central and local authorities and with employers and their associations, the trade unions operate on the basis of current legislation and are guided by the principles of social partnership.

The following table sets out the sectoral structure and membership of trade unions (based on data provided by the Georgian Trade Union Congress).

Trade union	Number of members	Trade union members as percentage of total employees
Trade Union Council of Ajara	9 897	95.74%
Coordinating Council of Abkhazia	1 893	100%
Local production, housing, public utilities and consumer services	30 990	84.1%
Architecture, construction and manufacture of building materials	9 750	95%
Aviation	2 000	80%
Banking, financial and investment institutions and insurance companies	1 500	100%
Education	155 217	119.92%
Geology, geodesy and cartography	1 886	98%
Energy section and electrical engineering	13 955	96.5%
Trade and consumer cooperation	5 300	97.7%
Defence and electronic industry	2 300	88.46%
Fisheries	956	77%
Communications	13 030	81.2%
Health resorts and tourism	322	100%

Trade union	Number of members	Trade union members as percentage of total employees
Underground railway	4 006	100%
Engineering and tool-making	4 875	100%
Pharmaceuticals	70 200	88.7%
Light industry	7 345	99.4%
Iron and steel industry and mining	15 675	95%
Academy of Sciences	7 600	91.5%
Small businesses	2 250	50%
Oil and gas industry	6 311	97.1%
Coal industry	3 000	100%
Football	1 500	83.3%
Journalism and printing	2 500	75.75%
Railway workers	23 913	109.34%
Sport	7 050	99%
Motor transport and roads	18 000	78.26%
Motor engineering and farm machinery	10 200	82.9%
Maritime transport	7 738	99.08%
Timber, paper and wood-processing industry	9 600	80%
Public service and non-governmental organizations	41 828	85.8%
State Aviation Production Corporation	1 735	86.6%
Agriculture and processing industries	226 000	98.26%
Chemical, medical and fuel industries	8 400	92.24%

Note: In two instances, the number of union members exceeds that of employees in the sector, because of the large number of pensioners remaining members of the union.

During the reporting period, there was little change in the membership numbers of the various trade unions and the general trends shown in the table were therefore not affected.

19. *Please provide information on the right to strike, as well as on the causes and frequency of strikes.*

Article 33 of the Constitution recognizes the right to strike, but stipulates that the procedure for the exercise of this right shall be determined by law. Under the Constitution, the law also provides guarantees for the continued operation of vital services.

The procedure for the organization and conduct of strikes is governed by the Collective Labour Disputes (Settlement Procedure) Act. The right to organize or take part in strikes is withheld from employees of the police (Police Act, art. 21), the procuratorial system (Procurators Office Act, art. 31), and the State security service (State Security Service Act, art. 2).

Over the last few years, the people of Georgia have exercised their right to strike on a number of occasions. As a rule, the strikes were provoked by extensive delays in the payment of wages. The strikes which had the greatest impact throughout society were those of teachers at general education schools in different districts of the country and employees in the energy sector. The strikes were resolved by meeting the demands of the strikers, although not fully: the authorities and the employers paid out part of the salary arrears.

Article 9. Right to social security

20. *Please provide information on the operation and the results of the State social programme, mentioned in paragraph 103 of the report.*

As of 1 January 2002, 49,326 families were receiving welfare payments, in the form of family benefits. Of these, 41,460 were one-member households; and 7,014 had two and more members, totalling 16,225 people. Assistance was provided to 1,252 orphaned children in 852 families. In 2001, 12 million lari was disbursed under this programme.

The programme will continue in 2002. The categories of beneficiaries listed in paragraph 111 of the report will be supplemented by persons with group I disabilities (i.e., blind persons), disabled children aged up to 16, and large families with seven and more children aged up to 16. Monthly benefits paid to the households of unemployed single pensioners have been set at the following levels: households with one pensioner - 22 lari; households with two or more pensioners - 35 lari. Each orphaned child placed under tutelage (guardianship) is allocated 22 lari, irrespective of whether or not the tutor or guardian is able to work; each blind person (disability group I) and disabled child aged up to 16 is allocated 22 lari; large families receive 35 lari.

In addition, needy families of persons displaced from Abkhazia shall receive social welfare benefits, as follows:

- Single-person households composed of single pensioners settled in private homes, blind persons (disability group I), orphaned children, and disabled children aged up to 16: 8 lari;
- Families in the above categories settled in official housing: 11 lari;
- Households consisting exclusively of pensioners and large families with seven or more children aged up to 16: 7 lari;
- Families in the above categories settled in institutions: 13 lari.

In 2002, the social assistance programme will provide benefits to a total of more than 62,000 families. For this purpose 12 million lari will be allocated from the central budget and it is planned to earmark a further 6.4 million lari for this programme from the local budgets of 11 towns and districts. Funds for the payment of benefits for the first two months of this year have already been allocated and disbursed.

21. Please provide updated information on the special State programmes for the disabled, mentioned in paragraph 115 of the report.

Over the period 2000-2001, the following State programmes providing special assistance to the disabled were conducted in Georgia:

1. Programme to ensure the smooth operation of the disabled persons registration and certification system;
2. Medical and social rehabilitation of disabled persons, which comprised the following subprogrammes:
 - Medical, psychological and social rehabilitation;
 - Dental services;
 - Medical and social rehabilitation of children with special needs;
 - Supplementary medical assistance to treat children with cancer and blood disorders;
 - Health protection and special social services for centenarians;
 - De-institutionalization of disabled children currently kept in establishments providing institutional care;
 - Social integration of children with special needs;

3. Provision of social services for disabled persons with the greatest needs;
4. Additional social and medical assistance for blind and sight-impaired persons;
5. Social rehabilitation of disabled persons among the displaced populations;
6. Medical and spa treatment for persons with particularly serious disorders.

The following table gives an indication of the funding provided for the above programmes in 2001 and the anticipated funding for 2002 (in thousands of lari).

	State programmes for the disabled	<u>2001</u> 3 300	<u>2002</u> 3 445
1	Programme to ensure the smooth operation of the disabled persons registration and certification system	283	200
2	Medical and social rehabilitation of disabled persons	1 543	1 515
3	Provision of social services for disabled persons with the greatest needs	943	1 000
4	Additional social and medical assistance for blind and sight-impaired persons	103	70
5	Social rehabilitation of disabled persons among the displaced populations	129	360
6	Medical and spa treatment for persons with particularly serious disorders	300	200

22. *Please provide information on State expenditure on social security, as well as information on social programmes undertaken by the State party, and whether social benefits are sufficient to sustain a decent standard of living.*

Information provided by the Ministry of Labour, Health and Social Welfare shows the following levels of total State expenditure on social welfare programmes:

- In 2000, 185.6 million lari, or 88 per cent of the planned allocation;
- In 2000, 214.6 million lari, or 92 per cent of the planned allocation.

In 2002, a total of 222.1 million lari has been earmarked for the funding of social programmes. This sum will be provided through earmarked transfers from the central budget (50,350,000 lari), taxes levied on legal entities (166,350,000 lari), and taxes levied on individuals (5,400,000 lari).

The following table lists the various programmes and shows the funding allocated to each, based on data for 2001 and forecasts for 2002 (in thousands of lari).

		<u>2001</u>	<u>2002</u>
1	Retirement pensions, in total	196 064	200 977
1.1	War widows pensions	1 906	2 356
1.2	War invalids pensions	16 740	14 591
1.3	War veterans pensions	1 392	3 011
1.4	Pensions for persons with the status of war veterans	11 823	11 470
1.5	General service pensions	121 990	118 026
1.6	Pensions granted to persons dealing with the aftermath of the Chernobyl accident	500	540
1.7	Pensions granted to the victims of political repression	5 920	5 993
1.8	Pensions granted to persons retiring from the army, police and security services	20 000	27 000
1.9	Pensions granted to victims of the events of 9 April 1989	596	596
1.10	Pensions paid to pensioners still in employment	1 166	1 200
1.11	Sliding-scale pensions	775	775
1.12	Social pensions	12 409	14 574
1.13	Personal merit pensions	846	845
2	Benefits for temporary disability	1 000	1 500
3	Social (family) assistance - portion funded from the central budget	8 630	12 000
4	Benefits paid to the families of persons killed in the events of 9 April 1989	22	22
5	Organizational and administrative costs	4 845	3 767
6	Funds allocated for participation in international programmes	300	-
7	Pension and benefit disbursement servicing costs	3 717	3 834
Total		214 578	222 100

Unfortunately, the social benefits are not sufficient to sustain a decent standard of living. We might note one positive development, however: over the last six months the system for the payment of pensions has finally been sorted out and the amount of arrears has been considerably reduced. Thus, by 2000, accumulated pension arrears stood at 76 million lari and during 2000 that figure rose by a further 15 million lari to 91 million lari. In 2002, there was a small drop in the rate of increase of arrears, which measured 13 million lari, so that total pension arrears currently owed by the State amount to 104 million lari.

In order to settle these arrears, to introduce a system of scaled pensions and to increase pension levels, it is planned, as part of the envisaged reform of the pension system, during 2002 to set in place a centralized State social security service, to register all persons in employment

and to prepare individual social insurance cards. It is planned that from July 2002 this service will assume responsibility for the levying of social taxes and for other administrative functions in this area. Bills have been prepared on social security, on State pensions and on personal identification. Draft amendments to the taxation code are currently being prepared, with a view to encouraging the creation and development of private pension funds.

As the Ministry of Labour, Health and Social Welfare points out, for many years there have been insufficient funds to pay the legally prescribed benefits, totalling 57 million lari, to which various categories of persons and their family members are entitled. To resolve this problem, the Ministry has prepared a minimum social package, with a prioritized list of recommendations. Ten per cent of the total expenditure under the various regional budgets is to be allocated to the funding of this package, payments under which will commence in 2003.

23. *Please provide information on the existing levels of social benefits (pensions and unemployment benefits) and whether they are sufficient for a decent standard of living.*

Unemployment benefits are paid for periods of six months to persons registered with the State employment service. The benefits have a ceiling of 12 lari per month (some 10 per cent of the subsistence minimum).

The following table lists the categories of persons receiving pensions, indicating the number of such persons and the level of the monthly pension in lari. The data are valid as on 1 January 2002.

	Category	Number of recipients	Amount of pension
1	Persons receiving employment-related pensions	665 156	14
2	Persons receiving social pensions	90 588	14
3	Persons receiving personal merit pensions	3 657	14
4	Persons with war disabilities and war veterans aged over 70	26 974	45
5	War veterans aged 70 and under	6 784	40
6	Persons with the status of war veterans	9 234	35
7	Persons with disabilities resulting from the events of 9 April 1989	159	35
8	War widows	6 437	18
9	Persons with disabilities resulting from work to clear up the aftermath of the Chernobyl accident	441	45
10	Victims of political repression (individuals)	12 520	45
11	Former members of parliament	33	495
12	Pensioners still in employment and entitled to receive salaries and pensions at the same time	3 394	35-45
13	Pensioners with occupational injuries	1 089	Depends on

Category		Number of recipients	Amount of pension
14	Persons who have retired from the army, police and security services	21 292	salary Depends on salary
15	Family members of servicemen killed in action	6 660	14

As can be seen from the table, except in the case of former members of the Georgian parliament, the level of the pensions - ranging between 14 and 45 lari - is insufficient to meet the essential needs of their recipients.

24. *Please provide information on what basis the subsistence minimum is determined.*

Under the Subsistence Minimum (Calculation Basis) Act, adopted in April 1997, the subsistence minimum is calculated by a standard statistical method based on average current consumer prices. Standard methods are used to define a basket of groceries covering the minimum consumer needs in foodstuffs and statistical methods are used to determine expenditure on other goods and services, based on actual consumption levels (art. 4). The composition of this basket of groceries, and the rules and standards applied for determining the subsistence minimum are established and, where necessary, reviewed by the Ministry of Labour, Health and Social Welfare (art. 5).

Article 10. Protection of the family, mothers and children

25. *Please provide information on the implementation of the Committee's recommendations on measures undertaken by the State party to prevent domestic violence, particularly against women and children (concluding observations, para. 27).*

Top priority is given to the prevention of domestic violence against women and children, as a prerequisite for protecting the human rights of these groups.

Georgian criminal and criminal procedural law does not contain and does not use the term “domestic violence”. Any violent or other crime is punished irrespective of whether it was committed inside or outside the home or by a person known or not known to the victim.

With regard to the issue of domestic violence, it might be of interest to consider how the issues of marriage and the family, the rights and duties of spouses and the interrelations between parents and children are regulated by Georgian law. We would like to draw the Committee’s attention in this context, to Georgia’s second periodic report under the Covenant on Civil and Political Rights, paragraphs 501-516.

We have already had occasion (see answer to question 3 above) to cite such instruments as the National Plan of Action for the Advancement of Women, adopted in June 1998 by presidential order, and the decree ratifying the 2000-2002 plan of action to combat violence against women, issued by the President in February 2000. Under the National Plan of Action for the Advancement of Women, the President has tasked the Ministry of Internal Affairs, together with the Georgian Procurator’s Office, with collecting and processing data on every instance of violence against women, drawing up a register of cases of domestic violence and taking steps to ensure that such cases are exposed, and where possible, prevented. The decree ratifying the 2000-2002 plan of action to combat violence against women establishes the following goals:

- Gathering information on domestic violence and organizing a public debate on the problem. Preventing domestic violence and reducing the number of cases of such violence;
- Gathering information on violence against young girls, coordinating research into its causes and consequences and organizing a public debate on the issue. Analysing the existing legislation covering violence against girls.

It is clear that these goals can only be attained through coordinated efforts both by government bodies and by the so-called “third sector” and the media. Where the executive authorities are concerned, a key role in exposing domestic violence and, where possible, preventing it, is assigned to bodies of the Ministry of Internal Affairs. According to current figures, some 4,000 conflict situations of a domestic nature have been reported around the country. Observation arrangements have been set in place for each of these cases and steps are being taken to resolve the conflicts. According to information provided by the internal affairs authorities, some 1,200 of these domestic conflicts have been successfully resolved in one way or another. Past experience has shown that, in practice, this means that the conflict has not come

out into the open and has not erupted into violence. It might be noted in this context that most cases of domestic violence are exposed by complaints submitted by members of the public. Very often, however, the actual participants in the conflicts and their family members prefer not to approach the authorities and try instead to settle the problems themselves. This could be explained as a cultural tradition in Georgian society, reinforced by a certain lack of confidence in the capabilities of the relevant government authorities.

In recent times non-governmental organizations have come to play an extremely active role in dealing with domestic violence. Their work includes both information campaigns and actual assistance to the victims of such violence. Thus, the non-governmental organization "Women in Development", working together with the Council of Europe and relevant government bodies, recently held a seminar on gender issues, which included among its main topics the issue of domestic violence. More than 50 women, from different areas of Georgia, took part in the seminar and put forward their own views on the role which the "third sector" should play in tackling this problem. Several months ago, another Georgian non-governmental organization set up the country's first refuge for the victims of domestic violence. At this refuge, these victims - most likely to be women - may receive psychiatric help in full confidentiality. Despite extensive publicity about the opening of the refuge, however, so far only two women have availed themselves of its services.

The issue of domestic violence against children will be taken into consideration in the central national programme of action for the assistance of children, currently under preparation, which is described above in the answer to question 3.

26. *Please provide updated statistics on trends in marriages, divorces and births over the last five years.*

Year	Marriages	Divorces	Marriages per 1 000 people	Divorces per 1 000 people
1995	21 500	2 700	4.4	0.6
1996	19 300	2 300	4.0	0.5
1997	17 100	2 300	3.5	0.5
1998	15 300	1 800	3.0	0.3
1999	13 800	1 600	3.0	0.4
2000	12 900	1 900	2.8	0.4
2001 (first 8 months)	8 170	1 300	-	-

As shown by the table, the last seven years have seen a steady downward trend in the number of both marriages and divorces in absolute terms. Since 1999, the divorce rate has started to rise, while the marriage rate has dropped.

The birth rate has also declined since 1990 and, over the period 1995-2000, dropped from 11.6 to 8.9.

27. *Please provide updated statistics on child labour, especially with regard to children between the ages of 7 and 17.*

The Ministry of Labour, Health and Social Welfare informs us that it does not have any more recent data on child labour than those cited in the report (paras. 134-139).

28. *Please provide information on the implementation of the Committee's recommendations (concluding observations, para. 28) on child beggars, as well as on the problem of child pornography and prostitution.*

According to various estimates, the number of so-called "street children" varies between 1,000 and 2,500-3,000. Most of these children are to be found in the capital, Tbilisi. The number of street children has remained relatively stable over the last few years, but is not declining.

Since January 2000, the Georgian office of the United Nations Children's Fund (UNICEF) has been funding a special programme for street children, implemented, among others, by the non-governmental organization "Children and the Environment". The programme comprises cultural and educational measures which are conducted by teachers, psychologists and sociologists with the street children on the streets where they live. The children are given the items they need for their studies, toys, etc.

In March 2000, the Georgian President ratified the State programme for the protection, development and social adaptation of minors, which has as its aim the improved organization of measures to ensure the social protection, development and rehabilitation of minors deprived of parental care and prone to antisocial behaviour, as well as homeless children - or street children. The programme's main goals are the following:

- Establishing a legal framework to uphold the rights of minors in this category;
- Studying various aspects of the problems of homeless children and fostering their vocational guidance and social rehabilitation;

- Setting up rehabilitation centres and special schools, and developing and introducing specially tailored programmes for the education and upbringing of minors;
- Tackling the problem of the further rehabilitation of homeless children.

Unfortunately, progress in implementing the programme has thus far been too slow for it to have achieved any tangible results.

In our response to question 3, we drew attention to the central national programme of action for the assistance of children, to be implemented over the period 2002-2007. This programme is planned to include a number of measures to address the problem of street children. Street children are already included in the State programme for the provision of medical assistance to children deprived of parental care. The programme's 2002 budget amounts to 300,000 lari and its implementation is the responsibility of the Ministry of Labour, Health and Social Welfare.

With regard to the issue of children's prostitution and pornography, we provide the following information.

The Criminal Code prescribes penalties for involving minors in prostitution or other depraved sexual acts (art. 171, first part); and for trafficking in minors, including for the purposes of their involvement in crimes or the commission of antisocial acts (art. 172, para. 3 (c)). The setting up or keeping of a brothel is also an offence (art. 254). An entire section of the 2000-2002 plan of action to combat violence against women is devoted to measures to prevent and suppress sexual exploitation and trafficking.

The Georgian Ministry of Internal Affairs includes among its operations an office to combat criminality among minors, young people and students, whose tasks include combating the harassment and sexual exploitation of children. In the various regions of the country, this work is performed by the Ministry's relevant local services.

At the end of 2001, an independent parliamentary board, working with the support of UNICEF, prepared a study of the commercial sexual exploitation of children in Georgia. The authors' findings included the following:

- In Georgia there are no reliable statistics on the spread of prostitution among minors. The latest official figures (for 1997) show that 50 under-age prostitutes were registered with the Ministry of Internal Affairs. That same year, a pilot study of the phenomenon of child prostitution - the first such study to be made in Georgia for the

last 10 years - was conducted by the Centre for Intercultural and Social Studies, with UNICEF support. Accordingly, the situation can only be analysed through a study of foreign sources;

- Information about under-age prostitutes in Georgia and of Georgian origin is already available on certain Internet sites. Thus, the Internet journal *Central Europe Review* published a lengthy article in January 2001 on under-age prostitutes in the Georgian capital. A number of Georgian sex sites have also appeared on the Internet, offering the services of such prostitutes.

We should add here that prostitution, as such, without taking into consideration the age of the person engaging in its practice, is not a criminal offence.

As for child pornography, such acts as the unlawful preparation and dissemination of pornographic materials or products are deemed to be offences, under article 255 of the Criminal Code.

In January 2002, the Protection of Minors from Harmful Influences Act entered into force, with the aim of protecting persons aged under 18 from harmful influences resulting from such sources as films and video recordings and printed materials of a particular kind, including those containing “depictions of sexual relations”. As there is no clear definition of the concept “pornography”, the lawmakers have used the above formulation to designate the term.

We may therefore state that the preparation or display of works or materials of a pornographic nature are unequivocally prohibited by law. At the same time, current Georgian legislation contains no provisions banning child pornography, including such pornography disseminated over the Internet. In general, more precise and comprehensive legal provisions are needed to regulate this matter in Georgia.

Article 11. Right to an adequate standard of living

29. *Please provide information on what basis the minimum wage is determined and whether it is sufficient to maintain a decent standard of living.*

As things stand, the minimum wage (20 lari) represents some 19 per cent of the subsistence minimum for the average consumer. Currently, the minimum wage is an abstract value, quite divorced from social and economic realities. Current legislation gives the Government the ability to determine the level of the minimum wage on the basis of the country’s economic capacity, instead of basing it, as it should be, on social and economic realities.

At the same time, as noted above in the answers to questions 8 and 15, efforts are being made to bring the minimum wage into line with the subsistence minimum. Under the 2002 State Budget Act, the minimum wage should rise to 50 lari per month in 2002.

30. *Describe the specific measures taken in the State party to implement the provisions of paragraph 23 of the Committee's concluding observations, particularly with respect to the poverty threshold level.*

The measures mentioned in paragraph 23 of the Committee's concluding observations, relating to the poverty threshold level, form part of the implementation of two major undertakings already referred to above - the national programme to overcome poverty and promote economic growth and the 2002-2005 State programme to improve the correlation between the minimum wage and the subsistence minimum. It is possible that, by the time the Committee proceeds to its consideration of Georgia's report, specific steps will already have been taken in this direction; in that case, the relevant information will be submitted to the Committee during the consideration process.

31. *The State party's report indicates that there is a steady decline in the consumption of staple foods in the country (para. 157), although "public food supply has improved noticeably" (para. 164). Please explain this contradiction and provide updated information on food production and consumption.*

The observation quoted in paragraph 164 reflects the view of the Ministry of Agriculture and Food Production, as is noted in the report, a view which has proved to be over-optimistic. The extended drought of 2000 caused disastrous losses in agricultural production - in some areas, between 80 and 100 per cent of the country's grain crops was lost. As the Ministry points out, it was only thanks to humanitarian food aid provided by a number of foreign countries and international organizations that Georgia was able to avoid a real famine. It should be noted that forecasts do not exclude a repeat of the drought in the years to come.

Data available to the Ministry of Agriculture and Food Production indicate that the level of food production will be insufficient to meet the needs of the population, whose purchasing power is also very low. Countrywide, the actual level of food production in Georgia is only 68 per cent of the normal nutritional requirement. Some 60 per cent of the calories in the average daily food intake come from bread and bread products. The average per capita consumption of bread is 255 kg per year, as against a standard physiological level of 130 kg per year. In these circumstances, it seems puzzling that official figures on the production and import

of bread and bread products put the average daily per capita consumption of bread at a mere 60 grams, particularly when data from research and analysis show that the actual consumption of bread by the population is double that of the normal nutritional requirement - 700 grams per person per day. According to the Ministry of Agriculture and Food Production, this discrepancy in the figures convincingly demonstrates the enormous quantity of food production that goes unregistered by the State authorities.

As for other types of food production, their combined totals (i.e., local production plus imports) lag considerably behind consumption norms. The consumption of such important sources of protein as meat, milk, milk products and fish is worryingly low - four times, twice and nine times lower than the standard physiological level, respectively, and no more than 22 per cent of the daily calorie requirements are supplied by these products. Moreover, although potato production in Georgia is one third higher than the level needed to meet normal nutritional requirements, actual consumption by the population is 20 per cent below that level.

According to the latest available data, the average calorific intake in Georgia is 2,380 kilocalories per day, which is below the normal nutritional requirement, 2,500 kilocalories. Furthermore, the following categories consume less than 2,100 kilocalories:

- 60 per cent of the population of large towns;
- 45 per cent of the population of small towns;
- 38 per cent of the rural population.

The following groups consume less than 1,800 kilocalories:

- 45 per cent of the population of large towns;
- 33 per cent of the population of small towns;
- 27 per cent of the rural population.

Countrywide, 48 per cent of the population consume less than 2,100 kilocalories per day and 33 per cent less than 1,800 kilocalories per day.

The ratio between expenditure on food products and on non-food items in Georgia is 70:30, demonstrating a low standard of living. In 2001, prices for food products increased by 6 per cent as compared with 2000, thus further reducing the buying capacity of the population.

In this context, the following data provided by the Georgian State Statistics Department might be of interest.

In 2001, the total level of agricultural production in Georgia rose by 5.6 per cent in comparison with 2000, to 1,860 million lari. This is largely due to the improved grain yield in 2001, which measured 414,500 tons.

Of the other agricultural products, the most significant increases between 2000 and 2001 were in potato production - 37.4 per cent (415,000 tons) and citrus fruit - 50 per cent (60,000 tons). At the same time, in 2001 the grape yield dropped by 28.6 per cent (150,000 tons), tea by 4.2 per cent (23,000 tons), fruit by 20 per cent (200,000 tons), and vegetables by 1.2 per cent (250,000 tons). Milk production rose by 14.7 per cent (710,000 tons) and egg production by 9.4 per cent (395.4 million eggs).

32. *Please provide updated information on housing, particularly on State expenditure on low-cost housing construction. In this regard please provide information on the problem of homelessness.*

Data provided by the Ministry of Town Planning and Construction show that, notwithstanding repeated applications by the Ministry, there is still no provision in the central budget for allocations for municipal construction and for measures to tackle the problem of homelessness.

The following data give a picture of the current state of the Georgian housing stock in certain regions:

1. Imereti: total area of the housing stock - 4,297,000 sq m. Of these 191,331 sq m is unsafe;
2. Shida Kartli: total area of the housing stock - 517,528 sq m, of which 92,628 is unsafe;
3. Samtskhe-Djavakheti: total area of the housing stock - 2,341,775 sq m, of which 7,293 sq m is unsafe;
4. Guri: total area of the housing stock - 158,763 sq m, of which 17,327 sq m is unsafe.
5. Kakheti: total area of the housing stock - 334,871 sq m, of which 80,142 sq m is unsafe.

The total housing stock in Tbilisi measures 21,837,000 sq m, and of the city's 54,078 buildings, 2,296 are in a state of dangerous repair.

33. *Please provide information on progress in implementing the strategic plan to improve health care in the State party over the period 2000-2009 (para. 189 of the report).*

Ministry of Labour, Health and Social Welfare figures show that the funding of State programmes increased considerably in 2001 - reaching 90 per cent of the targeted level. In 2000, only 81 per cent of the targeted level was reached.

Privatization of the pharmaceutical sector has meant that the public now has access to any medicines available on the world market. An extensive programme for the privatization of health-sector establishments is being carried out with World Bank support. Money raised from the privatization exercise is being used for the rehabilitation of these facilities and the social welfare of their staff. Thus, in 2001, a number of infectious diseases centres and tuberculosis and pulmonary diseases centres were established by amalgamating health facilities offering more or less identical services. The medical staff who lost their jobs as a result of this process received substantial separation payments.

In 2000, State spending on health averaged 15 lari per person. In 2001, this figure has risen by 3 lari. An analysis of medical statistics shows an improvement in a number of health system indicators, which can be ascribed to this increased funding.

At the same time, a number of problems remain unsolved. The most intractable of these is the need to make health services economically accessible to the general public and to improve their quality. The Ministry of Labour, Health and Social Welfare plans to tackle this problem through more efficient use of the limited funding available, by ensuring that it is very carefully targeted and by making optimal use of the available human and material resources. Far-reaching changes to health programmes are planned for 2002, with more prominence being given to primary health care. To that end, the programme for the provision of supplementary medical assistance to rural populations and people in high alpine regions has been expanded. In addition to the programme launched in November 2001 to fund special referral teams and to provide five inpatient beds in each district, it is planned to place all medical services in the 12 high alpine districts on to a fully State-funded basis.

In 2002, it is planned to launch the second World Bank project in support of the Georgian health system. The project will provide state-of-the-art equipment for as many as 180 village outpatient services and district clinics and training for up to 3,000 doctors and nurses. In this way, top-level outpatient services can be provided at no further cost to the population.

34. *Please provide updated information on the cut in the funding for health-care programmes in 1998-2000 (para. 190 of the report).*

The Ministry of Labour, Health and Social Welfare confirms the figures contained in paragraph 190 of the report relating to central funding for health-care programmes over the period 1990-2000. In 2001, it was planned to spend 58.2 million lari on these programmes; in the event 52.5 million lari were actually allocated (20.2 per cent). Accordingly funding in fact increased substantially between 2000-2001.

35. *Please provide updated information, especially with respect to legislative measures, on health care for the neediest population groups (paras. 204-206 of the report), in particular low-income families, internally displaced persons and disabled persons.*

In paragraph 204, the report refers to the State programme to provide supplementary medical care to the needy, which aims to ensure that all members of the public have access to essential medical care and, in certain cases, to reimburse members of the poorest population groups the costs of unaffordable medical services.

The programme includes the following tasks:

- Ensuring medical services for the neediest population sectors that are both affordable and easily accessible;
- Providing qualified inpatient and outpatient treatment for members of the neediest population sectors as part of their basic medical services (with the exception of high-tech inpatient treatment);
- Sharing the cost of medical services provided under other State programmes, as free medical care for the needy;
- Refunding, on a case-by-case basis, the cost of expensive medical assistance in life-threatening cases;
- Developing the procedure and system for the monitoring of individual health care;
- Setting up a centralized coordinating system to ensure that the programme is properly implemented;
- Carrying out a pilot programme on insurance risk management;
- Monitoring the quality and delivery of medical services, to ensure that they meet the prescribed State standards;

- Monitoring the procedure for the registration of beneficiaries and the payment of medical care for the needy.

In 2001, 7.75 million lari was budgeted for this programme. The actual funding provided was 96 per cent of that amount. In all, 370,051 people have health insurance cover and 73,786 claims were filed in 2001, 18,493 of these relating to hospital treatment, provided, in 5,772 of these cases, on a private basis. A total of 54,823 outpatient consultations and 470 medical emergencies were logged.

In 2002, total funding for the State programme to provide supplementary medical care to the needy has been cut to 5,163,000 lari.

As for the other categories of needy people mentioned in the question, health-care measures for internally displaced persons are described in the answer to question 2, and programmes for the disabled and the funding of such programmes in the answer to question 21. We might also add the following information:

- The programme for the medical, psychological and social rehabilitation of the disabled also includes measures to provide outpatient treatment and medical rehabilitation over and above the minimum standard set by the Government, as well as limb prostheses and, where necessary, psychiatric treatment;
- The programme for the integrated physical and psychological rehabilitation of disabled internally displaced persons also includes an entire range of measures to ensure a general improvement in their health status and to provide home-based medical services for persons with group I disabilities.

36. *Please provide information on what measures the State party has taken with respect to the improvement of awareness and knowledge of the public with regard to reproductive and sexual health, as recommended in the Committee's concluding observations (para. 30).*

The system of reproductive health counselling centres, mentioned in paragraph 225 of the report, is still in operation. As pointed out in the report, members of the public may, on request, receive information and advice at the centres on the problems referred to in the above question.

In addition, since 2001 the Ministry of Labour, Health and Social Welfare, with financial support from the United Nations Population Fund (UNFPA), has been implementing the GEO/00/P01 programme, to support reproductive health services and to raise awareness, which

includes measures to tackle all the problems related to reproductive health on a countrywide scale. These include measures to improve awareness and knowledge of the public in this area.

Article 13. Right to education

37. Paragraph 240 of the report mentions a chronic lack of funding for the education system. Please provide updated information on the budgetary expenditure on education.

The State budget for 2001 earmarks 13,733,000 lari, or 2 per cent of budget expenditure, for the Georgian Ministry of Education. The actual allocation was 12,544,000 lari. The following table shows how the Ministry's allocation was distributed (in thousands of lari).

	Item funded	Planned level of funding	Actual allocation
1	Ministry of Education staffing costs	273.5	233.4
2	12 regional directorates for the various school districts	104.1	44.0
3	2 crèches and kindergartens	144.6	143.4
4	11 boarding schools	2 165.2	2 084.5
5	Secondary school specializing in computer studies	59.5	45.6
6	77 trade schools	1 000.0	938.4
7	33 specialized secondary schools	1 296.8	1 119.9
8	9 children's homes	1 002.3	954.3
9	9 institutions of higher education	2 998.9	2 734.9
10	Specialized school in the town of Samtredia	74.7	74.3
11	14 special residential schools	2 230.6	2 073.2
12	Facilities and programmes for pre-school education	12.1	114.8
13	Special purpose programmes under the Ministry of Education	820.5	580.9
14	Programmes to strengthen and develop the facilities and resources of children's homes for children deprived of parental care and residential schools for children of all ages	1 000.0	992.5
15	Sharing the cost of international educational programmes	500.0	369.5
16	Support for the publication of newspapers and journals	50.0	40.9

In addition, the actual outlay on teachers' salaries within the Ministry of Education system, paid out of local budgets, and on employers' contributions amounted to 65,319,000 lari.

Under Georgia's 2002 State budget, 13,733,000 lari has been earmarked for the Ministry of Education system. It is planned to raise a further 69.3 million lari from local budgets.

38. *Please provide updated information on the extent of school dropout and what effective measures the State party is undertaking to deal with this problem. Please provide information on the number of school-age children not attending school.*

Ministry of Education figures show that, in the 2000/01 school year and in the period up to 1 September 2001, the beginning of the school year, 13,665 children dropped out of school and received no further education. Of these, 10,014 children, of a total of 62,202, were leaving school after completing the ninth grade, the final year of basic education, without proceeding to the tenth grade.

The Ministry of Education identifies a number of different reasons for children dropping out of school: economic difficulties, lack of parental supervision, indiscipline at school, delinquency, etc. Headmasters and headmistresses are failing to enforce the legal requirements on compulsory school education, taking insufficient care in registering children at the housing estate level and, in some cases, not taking any steps to prevent children dropping out of school.

In the Ministry's view, the school reform system currently being implemented will significantly help reduce the number of children dropping out of school. Given the current importance of the issue, the Ministry has passed an order in response to the problem, under which:

- Local education officers, working in consultation with local authorities, are instructed to map out the catchment areas for each teaching establishment;
- Teaching establishments are directed to register all school-age children in the areas under their jurisdiction and to ensure that they are in full-time education.

No official arrangements have as yet been made to keep statistics of the numbers of school-age children not attending school. Efforts are currently being made to remedy this omission and, from the 2002/03 school year, the State Statistics Department will start compiling statistics on this indicator as well, and these will be included in Georgia's next periodic report under the Covenant.

Article 15. Right to take part in cultural life

39. *Please provide updated information on budgetary allocations for cultural activities.*

According to Ministry of Culture figures, a total of 9,166,500 lari was earmarked for the Ministry under the 2002 Georgian State Budget Act and this sum is to be allocated as follows:

- 2,174,300 lari for salaries of cultural workers;
- 3,246,100 lari for grants and current transfers;
- 1,941,500 lari for the funding of cultural programmes;
- 946,000 lari for employers' contributions;
- 835,400 lari for other goods and services;
- 14,600 lari for official travel;
- 8,600 lari for capital expenditure.

In addition, funds have been earmarked for the maintenance of cultural monuments and museums.

40. *Please provide information on any periodical publications or radio and television broadcasts in the languages of minorities living in Georgia.*

The State television and radio broadcasting corporation includes in its system a Russian-language television service and Russian, Armenian and Azerbaijani-language radio services.

The State provides financial support for newspapers published in Russian, Armenian and Azerbaijani. In addition, newspapers founded by the country's Greek, Jewish and Kurdish ethnic associations are published in the relevant languages. All in all, the following periodicals are published in Georgia:

- In Russian - seven newspapers and three journals;
- In Armenian - four newspapers, three of which are regional and one a combined Georgian-Armenian newspaper;
- In Azerbaijani - three newspapers, two of which are regional, combined Georgian-Azerbaijani newspapers;

- In Greek - three newspapers;
- In Kurdish - one newspaper;
- Of the three Jewish newspapers, one is published in Georgian and two in Russian.

The main problem encountered by radio stations broadcasting in minority languages is that the frequencies allocated to them are difficult to receive outside the capital, while a large proportion of the minorities living in Georgia are concentrated in different parts of the country, which means that these radio stations could have a much larger audience.
