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An Alternative Report
on Economic, Social and Cultural Rights
in Georgia

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Autumn 2002

An Alternative report on Economic, Social and Cultural Rights

On 25 January 1994, the Georgian Parliament adopted a decision by which Georgia acceded to the International Covenant on Economic, Social and Cultural Rights (hereinafter the “*Covenant*”). The Covenant entered into force for Georgia on 3 August 1994.

This alternative report is prepared in response to the list of issues to be taken up in connection with the consideration of the initial report of the government of Georgia concerning the rights covered by the Covenant.

This report is prepared by the Human Rights Information and Documentation Center (HRIDC) – a Tbilisi, Georgia based human rights NGO, and the International Federation of Human Rights (FIDH).

We believe that the enjoyment of social, economic and cultural rights is indivisible from the enjoyment of all other human rights, as laid down in by the international human rights instruments. We note deterioration over the last decade in the standard of living for a large number of Georgians.

Growing poverty rates have become significant particularly in the transitional economies of Europe and Central Asia.

The development of Georgian economy and the state as a whole greatly depends on the improvement

of the current social situation. While the transition to a market economy has significantly benefited some sectors of society, it has produced unanticipated material difficulties and uncertain futures for others.

The Right to Work

Unemployment

The struggle to overcome poverty has become paramount for Georgia's government in recent years. Despite its efforts and a number of positive steps made in this direction, the state of affairs with regard to poverty is still grave. According to the latest data, 60% of the population lives below the poverty level, the majority of whom are chronically poor. The economy continues to slow down and investments in the country have decreased by 4.5% since 1998. (*Source: Report of the Public Defender of Georgia, Tbilisi, 2001*).

While the Georgian government's social policy remains the most important component in securing the country's development, steps taken toward the improvement of the social situation are barely visible. The activities of various economic institutions have also proven ineffective. The same can be said of the creation of jobs, the growth of entrepreneurship in the country, government assistance to the private sector, and the legalization of illegal business.

Chronic budget deficits since 1998 have caused serious problems for ensuring the wages of civil servants, distributing pensions, and offering financial assistance to internally displaced persons.

Unemployment has aggravated the already high level of poverty. In the 1990s, the number of employed decreased by 37.2%. Tbilisi experiences the highest rate of unemployment in the country, amounting to over 29%. Recent figures indicate that young people in the age groups of 20-25 and 25-29- the most productive age groups- are among those that are most likely to be without work, comprising more than half of all unemployed. (*Source: Report of the Public Defender of Georgia, Tbilisi, 2001*).

Unfortunately, official data does not reflect the realities of rural life. The self-employed constitute the majority of the employed population there. Moreover, many unemployed are not registered, as the temporary unemployment allowance is very small and the hope for finding a job is nil.

The National Employment Program, which is based on empirical and expert statistical data, has been finalized, and it deems the study of the problem the most important means of solving it. Due to a high level of unemployment and a low level of economic development, people's incomes are still extremely low, despite the quality and amount of work accomplished. Although there has been a slight increase in the minimum wage, it is not adequate to satisfy even the most basic and fundamental material needs.

In order to ensure the protection of Human Rights, it is necessary to overcome the difficulties associated with extreme poverty. Not only should the roots of such poverty be examined, but poverty's direct implications for human rights and fundamental freedoms should also be explored. Poverty is a term that describes both a lack of material goods that are vital for survival, as well as the inability to enjoy fundamental freedoms and rights.

Unalleviated poverty has a direct impact on several aspects of human life.

Poverty represents a violation of rights such as the right to life, the right to human development, the right to healthy living conditions, and the right to non-discrimination, to name a few. As such, we can assert that poverty is the principal cause of human rights violations throughout the world. It creates serious obstacles to the exercise of individual and collective responsibilities as citizens, parents and voters.

The International Covenant on Economic, Social and Cultural Rights holds that the ideal development of people who are free from fear and difficulty is only possible when they are allowed to jointly exercise their economic, social and cultural rights along with their civil and political rights. Each person has the right to adequate living conditions for oneself and one's family, including food, clothing and other basic necessities, as well as the right to improve one's living conditions.

Unfortunately, we must reiterate that Georgia is not properly protecting the economic, social and cultural rights of its citizens and is therefore not complying with its duties as outlined in Articles 6, 7, 8, 9, 11, 12, 13, 15 of the Covenant on Economic, Social and Cultural Rights.

Poverty, unemployment and low incomes have risen to the top of people's agenda. The World Bank and State Department statistics have detected an increase in the number of poor according to their latest poverty assessments. The urban unemployment rate calculated by the ILO "loose" methodology, and as reported by the SDS, is 25.6% and climbs to 30-40% in Tbilisi.

Though official figures (*UN human development report, Tbilisi, 2001*) show the rural unemployment rate (loose methodology) is 6%, this figure is biased because the existing law on employment dictates that any farmer owning at least one hectare of agricultural land is by definition self-employed. It is not surprising then that the majority of self-employed are employed in agriculture (67.4%). The national unemployment rate is considerably affected by rural figures because these artificially decrease the national unemployment rate while increasing, also artificially, the participation rate.

Employment does not necessarily ensure a Georgian an escape from joining the ranks of the poor. Clearly the presence of an unemployed head of family is most likely to result in a family in poverty. However, a substantial number of families with an employed head also fail to escape poverty. Most jobs, especially in cities, are created in the informal sector.

Many of these jobs are part-time or temporary in unregulated small-scale low-paying activities.

Table 1 shows the poverty incidence among all poor and the poverty rate for broad categories of employment. Inactive or unemployed unequivocally provide the bulk of the poor.

Table 1: Employment and poverty – Average winter-summer 2001
(NHDR Poverty Line)

Categories	Poverty incidence	Share in all poor	Poverty within the group
Inactive or Unemployed	16.68	36.85	51.28
Salary	7.38	15.60	39.18
Temporary employee	2.06	4.42	47.66
Employer/entrepreneur	1.49	3.28	40.82

(Source: UN Human Development Report, 2001)

The ranks of unemployed in Georgia are not a group characterized by low levels of education. As shown in Table 2. The bulk of unemployed have post-secondary studies either in the form of vocational, incomplete tertiary, or tertiary degrees.

Table 2: Education level of the unemployed – (% of total), Average
Winter-Summer 2001

Education level	Total
Illiterate	0.3
Elementary	1.2
Incomplete secondary	2.7
Complete secondary	34.0
Vocational	27.3
Incomplete tertiary	3.2
Tertiary	31.6

(Source: UN Human Development Report, 2001)

Wages are so low that they constitute no more than 34.5 per cent of total income, falling significantly below the critical level (60 per cent). As a result, efforts to restore job motivation in Georgia are

making extremely slow progress.

Figure 1

(Source: UN Human Development Report - Year 2001)

The development of average and minimum wages was miserable during the 10 year period under review, because it coincided with the devaluation of the national currency - and so actually had no advantage.

Accordingly, it would appear that the problems which roused the concern of the Committee on Economic, Social and Cultural Rights (paras. 13 and 14), have by and large not yet been overcome.

The timely payment of wages

The Georgian government failed to ensure the timely payment of wages, as recommended in the Committee's concluding observations (para. 24).

Workers in the high intensity cable enterprise “*Kokhra*” and others in *Zestaponi* and *Terjola* began striking on July 2, 2002. Inter-Press information indicates that the electricians will remain on strike until they receive the wages that have been due them for over a year.

Electricians working for “*Kokhra*” have not been paid for some 17 months; their colleagues in *Terjola* for 27 months; and those in *Chiatura* for 24 months (*Source: Inter Press, News agency, 2 July, 2002, Tbilisi*).

In January 2002 in *Kutaisi*, group of teachers headed by *Manana Gurchumelidze* launched a hunger strike demanding a salary increase. Teachers are from *Kutaisi, Kharagauli, Martvili, Senaki, Samtredia* and *Bagdati*.

Teachers are demanding a back-payment of salary and an increase of wages at least up to the living minimum wage. Generally, a teacher's salary is 30 Gel. (Approx. 17 USD) and the living minimum per person is more than 150 Gel.

A difficult situation is also apparent in *Gardabani* where the employees of “*Tbilsresi*” are on permanent strike, demanding their wages. The dissatisfaction of the population grows every day and such actions are becoming more common. People suffer from a shortage of electricity and water, as

well as unpaid wages and pensions.

Lately, in June 2002, in the *Gardabani* region, employees of "*Tbilsresi*", together with inhabitants of Norio village, blocked the highway. The population's dissatisfaction is reinforced by the neglectful attitude of authorities; they speak but do nothing.

On August 30, 2002, about 500 pensioners blocked the central road in front of the post-office. They insisted on the back payment of three months of pensions. They are afraid they will not receive their 14 Gel, as has occurred in previous years.

Giorgi Kakiani, the deputy municipal leader of *Rustavi* in social matters, promised pensioners that their pensions would be distributed. It is doubtful, however, that the government will fulfill its promise (*HRIDC monthly newsletter, 2002*).

Minimum working conditions

Minimum working conditions are set for the country as a whole by the Code of Labour Legislation, and are determined for specific jobs by the labour contracts and collective agreements concluded by enterprises and organizations with their employees. Supervision of minimum working conditions is the responsibility of the Labour Inspectorate. Compliance with the standards set by the Code of Labour Legislation is mandatory for all enterprises and organizations in Georgia, irrespective of their legal organizational status or form of ownership.

Teachers working in the Ministry of Education very often bring letters of complaint to the local human rights NGOs and Georgian Ombudsman's office over the reasons for their dismissal, including 'insincere acts', which is a violation of law.

A number of complaints were directed at the heads of institutions - who contracted teachers on a yearly basis and did not offer them permanent employment – and yet the latter is the correct form according to the teacher's working specifications. The Ministry of Education does not properly handle these matters. In December 2001, for example, teachers of I. Otskheli's gymnasium in *Kutaisi* applied to the Public Defender for inspection of the lawfulness of their dismissal from the gymnasium (*Source: Report of the Public Defender of Georgia, Tbilisi, 2001*).

Another example:

In 1996 Nurmamed Aliev founded "Nuri" LTD - a Company that works in natural gas in Gardabani, Georgia. In 1992 -93, inhabitants of the village of Ponichala in the Gardabani district laid their own pipeline which was then connected to the "Nuri" pipeline in 1997.

In 1999, the head of the village "sakrebulo"(local authority), Salakhidin Pashaev, demanded money

from “Nuri”. After refusal, the Prosecutor’s Office, Ministry of Interior, and tax officers inspected “Nuri” but found nothing illegal in the company’s activities. During this period, however, Aliev’s family was constantly terrorized.

On the 7th of December 2000, Aliev was attacked in the “Nuri” office by 30 persons headed by Vasil Pashaev and his brother in law Avtandil Neftulaev. Nurmamed Aliev’s rib was broken and his eye-sight damaged. (*Source: HRIDC monthly newsletter, 2002*).

Social,

economic and political processes within the country over the last 10 years have rapidly declined. In 1999, the gross domestic product (GDP) had dropped to 37.1 per cent of its 1990 level (initial report of the Georgian government). This decline has seriously undermined the prospects for employment.

It should be noted that the current Employment Act enshrines the right of Georgian citizens to free choice in employment by direct arrangement with any enterprise or organization, regardless of its form of ownership, or through the State employment service (article 8). The State guarantees the following rights in respect of the unemployed:

- To free vocational training and retraining;
- To free choice of the type of work or activity;
- To the provision of assistance, free of charge, in seeking and finding a job (article 5).

In addition, the Employment Act obliges employers to assist the unemployed in finding work through the following measures:

- Drawing up an employment agreement (contract) stipulating the labour relations in accordance with labour legislation;
- Setting in place the necessary conditions for the training, retraining and further training of employees (article 14).

Trade Unions

Official Trade Union structure is little more than a relic of ancient times because it unites trade unions

of workers and employees of industries that either do not exist any more, or whose participation in the economy has been sharply reduced, as in for instance, the state aviation and mechanical and engineering industries.

Unions have been unable to extend their reach to the scores of employed people in new branches of business activity who often remain unprotected.

The current situation of labour unions is cause for concern. While there are some labour union leaders who sincerely try to improve working conditions and terms, the Union of Georgian Trade Unions appears to be immersed in disputes about property distribution and more dedicated to managing their assets than in commenting on Georgia's current process of socio-economic transformation. As a result, only 27.6 percent of the Georgian population trust trade unions, 61.3 percent do not trust them at all, and 11.1 percent has no idea of their existence (*Georgian Lifestyle, GORBI, Tbilisi, 2000*).

Georgian trade unions exist in virtual space isolated from the current problems affecting the country, an inauspicious strategy for organizations whose main goal ought to be the well-being of their members. In the new economy, Unions have a role that, if played out with conviction and honesty, will earn them back the recognition and respect of their member workers

Under Georgian constitution article 26 everybody has an equal right to establish a Trade Union if their action does not inhibit the freedom and integrity of the country, does not propagate war or violence, and does not stir up regional, religious or social hatred.

In the Soviet Union, unemployment was liquidated - everything was decided by the Communist Party and the trade union was deprived of its core function of defending the rights of employees. Their main function was to distribute flats, cars, and to give orders. The heir of the Soviet Union is the present Georgian trade union. It has two characteristic features:

The members are enrolled automatically even against their will. The great majority of their numbers don't want to be members and they don't realize why they must join.

Trade unions are still an appendage of a corrupt government. They almost never oppose the dismissal of their members or the cancellation of institutions, and never protest the deterioration of working conditions.

There are real restrictions with regard Independent Trade Unions. According to information supplied by the members of the Trade Union "Ertoba", they are pursued and suppressed by the government. Although "Ertoba" does everything to protect their members from violations, there still exist problems. The members of this trade union were threatened several times by local authorities. (*Source: HRIDC monthly newsletter, 2002*).

The Governor of Imereti, Temur Shashiashvili, claims that the independent trade union *Solidaroba* is politically charged and is trying to hinder the activities of state enterprises. He notes that the union supported the electricians' strikes in *Zestaponi* and *Terjola*, where the workers demanded the payment of their wages and switched off the electricity.

Shashiashvili argues that *Solidaroba*, in supporting the striking electricians, and wishes to impede legitimate governmental activities. In support this claim, he said that the union has its offices in *Chiatura* and in *Zestapomi*, the locations of two major government industries- *Pero* and *Chiaturamanganum*. He also maintains that *Solidaroba* is funded from abroad.

Shashiashvili asserts that the electricians have been paid every month and are demanding old debts that will be repaid once the budget has passed. *Solidaroba* remains under pressure from the local authorities. (Source: *HRIDC monthly newsletter, 2002*).

Right to strike

Under the article 25 of Georgian constitution everybody, except military forces, policemen and security services, has the right to strike. The government can only prevent such an action if it is determined to be against the law, but unfortunately there is no special "Law on the Strike".

Social security

The general pension in Georgia is 14 GEL. Persons, who are not entitled to a pension because of insufficient pensionable service or lack of pensionable service grade, also receive State support on reaching a specified age (65 for men and 60 for women): they receive a social benefit of 14 Gel.

It happens quite often that pensioners do not get their pension for months during several years period. Our organization has applied to the state social security fund for information as to the reasons why the pensioner, Luba Mumladze, had not got her pension for several months, but we have not received any reply. Such examples are commonplace. The mechanism regulating pension distribution is not well oiled and there are many misunderstandings and violations.

In 1997, Georgia introduced a social (family) benefit as a form of state material assistance to certain vulnerable categories of people. But the number of the categories of beneficiaries has decreased not increased, despite increasing hardships (beneficiaries in 2000 included only single-family unemployed

pensioners and orphans). Program funds have also decreased. The state budget allocated 15 888 000 Gel within the program in 1997, and in 2000 it had dropped to 13 300 000. We need to expand this program, not cut it.

As for general public spending for social security, it should be said that this has also dropped since 1997. Spending for 1997 was approximately 146 million USD, but barely exceeded 123 million USD in 1999. (Source: Public defender of Georgia, report, 2001).

Health care

The health care system shows ample room for savings in terms of increased efficiency and private sector participation but these measures are no substitute for providing a minimum and basic level of public financing - something that is not happening.

Total expenditures on the health care system have suffered because of the government's inability to collect sufficient revenue. The health care sector, however, has suffered more than others.

According to the UNDP Human Development Report, the execution of the health care budget is significantly lower than the execution rate of the whole State budget. In 1997, the overall budget had an execution of 85.6%, yet the health care system received funds for only 62.4 percent of its financial needs. In 1998, the execution of the overall State budget decreased to 84.8 percent but the execution of the health care budget went down to 59.2 percent. In 1999, the tendency worsens and while the State budget was 73.5 percent fulfilled, the health care system received only 45.3 percent of the resources it needed. The results of this policy are visible to anybody who has visited a public hospital. Maintenance is almost non-existent and supplies are minimal: the overall state of hospitals is appalling.

Reforms to the healthcare system have been implemented in Georgia since 1995. The reforms were necessitated by the fact that the state was no longer able to fund the healthcare system inherited from the Soviet period. Thus, the National Healthcare Policy Program was enacted; however, this reform was neither supported by the population, nor welcomed by physicians. The population views state policy in this field rather negatively.

The reform came as a shock for the poor and socially unprotected groups of society. One of the major problems is a consistent lack of funds. The number of applications to the Office of the Public Defender asking for medication and medical aid or assistance has considerably increased.

Health care is also a crucial variable because the health status of the individual greatly affects her/his ability to obtain income while an illness can send a family down a spiral of debt and poverty. Those with greater income access health care services more often as would be expected and as it is shown in Figure 2.

Figure 2:
Request for medical assistance (% of group)
winter and summer 2001
Source: UNDP (Human Development Report-2001)

An allocation of 5 GEL a month from health care is insufficient to buy most remedies, but there are insurance health plans at a cost of 5 GEL a month. True, people may not have information about this type of insurance and the offer may not be available throughout all Georgia. For those unaware of the insurance option and whose health care should be restricted to 5 GEL a month, things can turn dire. Despite efforts aimed at establishing minimum standards of service within the public health care sector, a visit to a public hospital continues to demand informal payments with a minimum of 5-10 GEL in addition to any medicine that might be needed.

In 1997, Georgia introduced social (family) benefits as a form of material assistance provided by the State for certain categories of socially disadvantaged people. This support is provided through a special State program.

In 1997, support of this kind was provided to people in the following categories: old age pensioners living on their pensions alone; families of pensioners, raising young children whose parents live elsewhere and are unemployed; and urban families whose members are unemployed and registered with employment centers.

In 1998 the program was revised to cover only pensioners living on their pensions alone and minor children supported by them with no legally responsible provider.

Then, in 1999 the program was extended to include both orphaned children and guardians with disability status. With effect from 2000, orphaned children are entitled to benefits irrespective of their guardians' capacity to work. The level of such benefits differs in accordance with the size of the family.

To fund this program, according to the initial report of Georgian government, allocations were made as follows from the central budget: 15,880,000 Gel in 1997; 14,400,000 Gel in 1998; 14,300,000 Gel in 1999; and 13,300,000 in 2000 (*Source: Report of Public Defender of Georgia, Tbilisi, 2001*).

A medical insurance program has been set up to provide social support for the more vulnerable sectors of the population. The program covers the following categories:

- Pensioners living on their pensions alone, without employment and unable to work, or

families of pensioners (spouses, brothers and sisters, parents and children) with no legally responsible provider;

- Pensioners living on their pensions alone, without employment and unable to work, or families of pensioners with no legally responsible provider who support dependent minor orphaned children;
- Single mothers, supporting minor children;
- Merit pensioners (persons receiving pensions for meritorious service to the State);
- Persons who assisted in the clearing-up work after the accident at the Chernobyl nuclear power plant and their family members;
- Persons suffering from the effects of poisoning after the events of 9 April 1989;
- Persons certified as victims of political repression;
- Coal-miners who have received employment injuries or suffered occupational diseases leading to disability;
- Beneficiaries under the social (family) benefits program;
- Persons incurring disability in defending the territorial integrity of Georgia;
- Veterans of the Second World War.

In addition, under the program, medical assistance is provided to pensioners in the category of forcibly displaced persons, and to children up to the age of 15.

There are also special State programs for the social welfare of the disabled, but they do not operate well. The following anecdote is typical:

“On October 24, 2001, in the municipality of *Batumi*, Jemal Dzneladze promised to give 1000 GEL, taken from charity concert, to Gogita Murtskhveladze, father of Jaba Murtskhveladze, who suffers from serous disease.

G. Murtskhveladze expressed his gratitude on TV and in newspapers, but the promise was not fulfilled. Though it has already passed a year, he has not got any money yet.

Unfortunately, it was not for the first time. Several years ago by the means of mass media he expressed his gratitude towards Nanuli Tsagareishvili-Shverdnadze, the president of the organization

“Women of Georgia for Peace and Life” and wife of the Georgian President. She promised to give money for the operation of the child but she did not assist.

Recently members of above mentioned organization Maia Kvezereli, Rusudan Khamurzaria, Neli Gurgenidze and Ketii Gogelia made him to write a letter beforehand where he expresses his gratitude to President's wife who covered the costs of medical assistance for his son.

They published the letter in the newspapers and TV and then "couldn't find" funds for child. Murtskvaladze informed the public by means of TV channels. After TV appearance he was threatened to be killed. Deputy Minister of Health Care Manana Gudushauri directly threatened him.

Gogita Murtskhveladze has appealed to human rights NGOs to protect his violated rights. This action inspired the wrath of Mrs. Nanuli Shevardznadze and a threat was made to Gogita's life.

Unfortunately, this is not the only event, but a typical example for the situation in Georgia how the government takes care of their citizens.” (Source: *HRIDC monthly newsletters, 2001-2002*).

The “Georgian Vaccinating Center XXI Century,” the Healthcare Department of the Ministry of Justice, and the Public Defender's Office supplied prison No 5 of the Penitentiary Department with 1,307 Hepatitis B vaccinations and Tbilisi Children's Hospital No 2 with 171 rabies vaccinations during the period of widespread rabies infections in Georgia.

Georgia's international contacts and cooperation in the sphere of health care

Over the past five years the Ministry of Labour, Health and Social Welfare has developed fairly close cooperation with international organizations involved in one way or another with the issue of human rights in the area of health care.

Another department of the Ministry that handles these issues is the Law and Bioethics Unit of the National Health-Care Centre, one of whose main projects is to align Georgian health•care legislation with international human rights standards. To this end, the unit searches for and classifies relevant international instruments for use in the lawmaking process, makes arrangements for the review of bills and draft regulations by foreign experts, and regularly updates the relevant international organizations on the human rights situation in the field of health care.

The Law and Bioethics Unit cooperates with international organizations such as the WHO Regional Office for Europe (the health systems organization and management unit and the WHO European

Partnership on Patients' Rights and Citizens' Empowerment), the Council for International Organizations of Medical Sciences, the Council of Europe's Steering Committee on Bioethics, and the World Medical Association.

As a result of this effort, the complete corpus of international instruments on human rights in the sphere of health care is now available to the Ministry of Labour, Health and Social Welfare. Most of these instruments have been translated, published and disseminated among health care professionals in Georgia. They include the European Convention on Human Rights and Biomedicine, United Nations instruments, and recommendations and declarations of the World Medical Association concerning human rights and health care.

The Ministry of Labour, Health and Social Welfare initiated the process of signing and ratifying the Convention on Human Rights and Biomedicine and the Additional Protocol thereto on the prohibition of cloning human beings. These instruments came into force in Georgia on 1 March 2001. It should be noted that, by signing the Protocol on the prohibition of cloning, Georgia became one of only five European States where this instrument has entered into force.

The international assistance extended to Georgia to improve its legislation has been very significant. Thus, the bill on patients' rights was scrutinized by experts from the WHO Regional Office for Europe, experts involved in the American Bar Association's Central and East Europe Law Initiative, and an expert from University of Toronto in Canada. As part of the support provided by the Council of Europe's Directorate General of Legal Affairs, the bill on medical and biological research on human beings was reviewed by the same prominent experts who had drafted the Convention on Human Rights and Biomedicine. They concluded that Georgian legislation in this area conformed to the provisions of international instruments dealing with human rights in the health sector.

The relevant international organizations are regularly updated on the human rights situation in the health sector in Georgia. Thus, the WHO document *Patients' Rights Development in Europe*, published by the WHO Regional Office for Europe in December 1998, contains detailed information on Georgian laws regulating patients' rights. In 1999-2000 material published by the Council of Europe's Steering Committee on Bioethics regularly cited information about Georgia's achievements in the field of human rights and biomedicine.

Disabled persons

Unfortunately no measures had been taken to provide greater access to the workplace for the Disabled persons, as recommended in the Committee's concluding observations (para. 25).

Mental Health

Under the former regimes of central and eastern Europe and the USSR, people with mental disabilities who did not fit into the ideal of socialist society were officially "not supposed to exist," and were often isolated in closed residential facilities where they were cut off from family, friends and the community. Under the communist ideology, the healthy factory worker was a productive member of society while a person with disabilities represented an embarrassment that should remain unseen. The disabled were placed in social homes where they received only the most basic physical care -- no activities or educational programs were provided. To complicate matters further, for many years, people with mental illness and those with developmental disabilities were housed and treated in the same facilities and unfortunately, this remains common practice in many institutions.

As a result of recent events that have taken place in Georgia (civil war, armed conflicts, etc.), the number of psychological problems and stresses the population faces has increased. At present, there is no statistical information indicating the number of persons with mental disabilities, nor is there information regarding their registration in the various regions of the country, social status, or grouping according to age.

It is impossible to carry out rehabilitation and other types of programs for persons with mental disabilities without such statistical information.

Currently, treatment for mentally disabled persons is unsatisfactory, particularly in the more rural areas of Georgia. It is also impossible to examine mentally disabled persons, due to a lack of necessary equipment, which causes problems in further treatment. The situation becomes more problematic when no moral or financial assistance is rendered to mentally disabled persons.

Last year's measures as outlined in the state program for psychological assistance could not be fulfilled due to a lack of funding. The main areas of concern were the following:

- Psychological dispensaries did not have access to the necessary medications, which inhibited their ability to treat patients and meet curing standards.
- Several types of essential rehabilitation procedures were not part of the program.
- Training courses for employees at psychiatric organizations, for medical nurses, and for financial employees were not available.
- The state's residency program was only partially functional.

We can deduce that in 1998 financial difficulties were at the root of problems inhibiting the effective functioning of the state program for psychiatric assistance. Due to the lack of necessary medicine, the treatment standards of psychiatric organizations were not implemented.

Ambulatory organizations and sanatoria were provided with minimal funding that did not meet international standards.

The difficulties experienced in treating mental illness have been caused by the budget crisis. There is a

lack of essential medications. According to official information, 13,010 mentally disabled persons were registered in 1998. Among them 1,692 are homeless, 520 remain without care, and 2,472 receive no visitors (*Source: Institute of Psychiatry of Georgia, Tbilisi, 1999*). These figures result mainly from problems on a smaller social scale, namely that it may be difficult to live with the mentally disabled (because of a lack of adequate living space, small children, or aggression toward family members). The most important problem, however, is economic shortage, rendering family members unable to care for mentally disabled persons and unable to purchase necessary medications.

1.5 million USD was allocated to help the mentally disabled in the 1998 budget. It is important to note, however, that this budget was not sufficient to provide the aforementioned institutions with the necessary medical supplies. The budget deficit during that year was 269,180 USD, for which humanitarian aid had to compensate.

The relevant department of the Ministry of Health took responsibility for the import of medications. The Red Cross was also responsible for importing medications and medical equipment, but unfortunately the organization suspended humanitarian aid in February, 1998, which was catastrophic for the mentally disabled.

In the budget of 2002 the amount of money allocated to mental institutions is equal to 3 million GEL. According to the chief psychiatrist of the Ministry of Health Care, Temur Silagadze, 10 million GEL is necessary for the system to function normally. The staff of mental institutions often complain about the shortage of salaries and equipment and the lack of foreign aid. We used to receive drugs from the "Red Cross", but now for 2 years we haven't received anything, complains Silagadze.

Currently there are 21 operational psychiatric institutions in Georgia, 7 stationary and 14 dispensary, altogether serving 67.000 patients. 25.000 patients receive state donations. (*Source: HRIDC – monthly newsletter, 2002*).

Family planning, Child mortality

According to the statistics, in 2001, there were 13 336 marriages and 1 987 divorces. The average length of marriage before divorce was 11.5 years. Analysis of the figures shows a steady decline both in the number of marriages and (to a lesser extent) of divorces over the last five years, both in absolute terms and relative to the number of people.

As far as family planning is concerned, it should be noted that during the past year more than 30 reproductive health counseling centers have been set up in towns across Georgia. They provide visitors with contraceptives, information, and advice on family planning issues and contraceptive use. This project is the result of cooperation between a Georgian non-governmental organization and the Johns Hopkins University in the United States of America. The Georgian Institute for Reproductive

Health is also involved.

According to the state statistical department, infant mortality in 2001 totalled 478.

Figure 3

Infant mortality under one year

Source: UN Human development Report- 2001

Figure 3 denotes the difference between rural and urban areas. It can be seen that of those children who die in the first week of their lives, 82.4 percent (of the total for the year) are in towns and only 11.9 percent are in villages. The appalling state of hospitals (lack of medical supplies, other equipment, and poor hygiene) and the professional services provided appear to be responsible for this difference in child mortality rates during the first week of life.

Right to adequate nourishment

Analysis of data from the Ministry of Agriculture and Food shows that in terms of supply of food products to the Georgian population only four (vodka, sugar, mineral water, and beer) out of 26 items experienced growth in the year 2000 compared to 1997. It is also worth mentioning that the Ministry estimates are based solely on the registered economic sector and are thus inadequate. We must presume that a considerable part of agricultural output falls within the shadow economy and cannot be appraised.

It should also be mentioned that the amount of food products imported to Georgia is continually being slashed.

Subject to the above, we may conclude that Georgia again fails to fulfill the provisions under Paragraph 2, Article 11 of the Covenant on Economic, Social and Cultural Rights

Specific examples include the following:

The city of Rustavi is often left without water. After the work that was carried out with funding from the World Bank, Rustavi residents only had water for a month during the morning and evening hours. (Source: HRIDC monthly newsletter, 2002).

Rustavli, a construction town, was left without water again in summer 2002. According to the head of "Rustavtskali" (LTD), Bondo Gongadze, the repair should have been completed during the second

stage of the World Bank Project, but now “Rustavtskali” will begin reconstruction itself, and he hopes he’ll be able to provide residents with water by winter.

The situation in the Kvemo Kartli region is becoming more and more tense. Inhabitants blocked the traffic on the Kakheti highway near village Norio several times because of a lack of running water and unpaid pensions (*Source: HRIDC Monthly newsletter, 2002*).

Right to adequate housing

According to the latest available data, 1,039,600 households have acquired ownership of 930,000 hectares of agricultural land, i.e., an average of 0.9 hectares per household. The most recent statistics show that a total of 957,500 hectares of State-owned land has been leased. A total of 36,000 ‘natural’ and 6,300 ‘legal’ persons have become lessees. Each ‘natural’ person has leased an average of 9.3 hectares of land, and each ‘legal’ person 97.8 hectares. Overall, 1,719,600 hectares of agricultural land (57 per cent of the total) has been signed into private ownership or leased. This includes 704,300 hectares of arable land (89.1 per cent of all land in this category); 215,100 hectares of permanent plantations (79.6 per cent); 100,600 hectares of meadowland (79.6 per cent); and 680,200 hectares of rangeland (37.9 per cent). It is the view of the Ministry of Agriculture and Food Production that the public food supply has improved noticeably as a result of these measures.

The Ministry of Town Planning and Construction and the Ministry of Justice have provided additional information of relevance to the right to adequate housing, and this is reproduced below.

According to current statistics, Georgia has 101.5 million m² of housing stock. Of this,

- 18.5 million m² is owned by local authorities (municipal housing), of which 15 million m² or 280,000 apartments have been privatized;
- 4.5 million m² is owned by administrative or economic entities, with 2 million m² or 34,000 apartments privatized;
- 4.5 million m² belongs to building and loan associations, with 2.8 million m² or 32,000 apartments privatized;
- 74 million m² of housing is privately owned, 20 million m² in the towns and 54 million m² in the countryside.

Of the current housing stock, 24 million m² or 9,000 buildings are technically substandard and 1,200 buildings have been condemned. The estimated cost of upgrading Georgia’s housing stock is 750

million Gel.

According to information available to us, some 110,500 families or approximately 386,750 people are currently homeless. Overall, 20.5 million m² of housing stock or 20.2 per cent of the total is dilapidated, unsafe, needing repair, or lacking amenities, yet is home to 1,138,800 people.

More than 26,000 people are classified as living in “unlawful” housing. According to our information (bulletin 8(42) 2002), the families suffering from earthquake damage are still living in damaged houses and tents. Neither reconstruction nor the purchasing of accommodations has begun. This has caused frustration among the victims.

The inspection, conducted by the Ministry of Education and Municipality, revealed that 155 out of 204 schools are severely damaged. Despite the President’s statement calling for the repair of the schools during summer vacation, the Ministry of Education and the City Municipality have not begun such repairs, for lack of funds.

Half of Tbilisi’s schools were constructed quite a long time ago and it would take more than 30 million GEL to repair them. Neither the government nor the City Municipality is equipped to provide such a large sum of money, and as a result only 2.3 million has been allocated for the task

In the light of the foregoing, it is clear that the provision of housing to socially disadvantaged population groups is a very serious problem.

Statutes and regulations to secure the application of the right to adequate housing

According to the Ministry of Justice, questions relating to land-use, the division and designation of land, zoning, the maximum price of land, and compensation for expropriation, are governed by the following statutes:

- Agricultural Land (Ownership) Act (22 March 1996);
- Conversion of Agricultural Land to Non-Agricultural Use (Development and Compensation for Value and Losses) Act (2 October 1997);
- State-Owned Non-Agricultural Land (Management and Disposal) Act (28 October 1998);
- Use of Non-Agricultural Land by Natural and Legal Persons in Private Law (Declaration of Private Ownership) Act (28 October 1998);

- Land Plots and Associated Immovable Property (State Registration Fees) Act (30 April 1999);
- Essential Public Needs (Expropriation of Property) Act (23 July 1999);
- Land Registration Act (14 November 1996).

Under article 160 of the Georgian Criminal Code it is a criminal offence to infringe upon the home or its possessions.

Pursuant to an Order of the Minister of Town Planning and Construction promulgated in February 2001, all building standards and regulations drawn up and ratified prior to 1992 and all other relevant statutes and regulations which do not conflict with Georgian law or international treaties to which Georgia is a party shall remain in force. It should be noted, however, that the work of drafting new statutes and regulations for this sector is complicated by the lack of budget funding. Soviet-era statutes and regulations are in many respects no longer suited to modern requirements.

The regulatory side of economic planning and public health requirements in populated areas is dealt with under the following statutes:

- Construction Projects (Comprehensive State Studies and Approval) Act (16 April 1996);
- Planning Permission Act (9 September 1999);
- Construction Act (27 October 2000);
- Environmental Impact Studies Act (15 October 1996).

Evictions

The law stipulates that evictions must be ordered by the courts, thereby virtually excluding the possibility of arbitrary eviction. In practical terms, assuming the existence of a relevant judicial decision, matters relating to eviction are covered by article 90 of the Enforcement Proceedings Act, under which the person facing eviction is accorded a period (not exceeding one month) to voluntarily comply with the decision of the court. The evictee must pay all eviction costs. Should any procedural

violations occur during the eviction process, article 18 of the Act stipulates that the parties are entitled to appeal against the actions of the bailiff through the courts within one month of the institution of enforcement proceedings.

According to information supplied by the Ministry of Justice, district enforcement offices handled 333 enforcement actions involving eviction in the year 2000. Of this total, 234 eviction orders were executed, 18 eviction notices were returned to the originator of the eviction proceedings (following successful mediation of the dispute), and in 3 cases the eviction notice was directed to the proper quarter.

Here is the statement of Georgian citizen Lemeshko Anna who applied HRIDC for help. This example clearly shows the real situation regarding the manner in which social rights are defended in Georgia:

“In 1976, my house in #13 Dzerjinski Street (at present-Ingrokva-4) was pulled down for the need of State, on the area of my house now was built the State Office of Georgia. My family was moved above-mentioned address in an isolated flat, where we lived quietly 20 years till the May of 1996.

On the September 14, 1992, I privatized all what legally belonged to me, as did all the inhabitants of our house (my husband died in 1991).

The family of Gofmanski-Berderashvili, who also on Jun 30, 1992 privatized all what belonged to them, occupied flat adjoining with mine. Gofmaniski-berderashvili, sold their flat to M. Ninoshvili and left for Israel. M. Ninoshvili resold he flat to A. Tsurtsunia and from Tsurtsumis this flat was bought by the priest of the Church Kashveti(Georgian Orthodox) – Elizbar Odishvili; the flat was registered on the his wife N. Razmadze on the May 13, 1996.

Having already several flats in Tbilisi and having purchased a new flat at our house E. Odiashvili planned widening of his property at the expenses of joining of my flat to his property.

My small corridor with 5 metric areas joining my living room with my kitchen, bathroom and a toilet, which are parts of my flat, became reason of putting his idea onto practice and through this corridor the priest Odishvili decided to open for himself passage through my flat on my balcony. He tries to prove that the corridor was on common use at one time in the past.

His wife N. Razmadze began the provocations, the blackmails, the most humiliating insults and court trials against us.

Priest Odishvili many times being drunk bursts into my flat and shouted: “Russian, get out to your Russia. Your time went away”. He proclaimed many journalists who protected me: “Akhalli Taoba” on the December 10, 1999 was published an open article by the servants of the Church “Kashveti” proving what they do not know anything. They have never been at my flat, but they wrote everything after priest Osishvili words. The priest were declaring how are restricted their rights and requesting to protect them, advancing arguments not to have another homeland, who will protect them and where they could move. So, Razmadze-Odishvili with court way is getting their target during 7 years. For the achievement they use all the ways, manly illegal.

Priest Odishvili not only burst onto our flat but insulted us, but after his provocative advertisements to the prosecutor’s office of Isani district they arrested my son-in-law and threatened my daughter, attacked the

journalists with rows even with fights. During court commission from regional court, February 15, 2000, he organized provocative physical attack on me and to my son-in-law.

He shouted me: "I'll evict you by all means from your house!" Priest Odishvili struck me on the heart so heavily, that he struck me with his foot. The priest, his son and his wife beat my son-in law Roman davlasheridze. We have a conclusion of the court medical investigation. Materials are at the Department of the Ministry of Interior Affairs of the Mtatsminda region. The act of the priest and the members of his family became unbearable and aggressive and their fantasy arranged different provocations that have not got any bounds.

More than once priest Odishvili declared that he is "Elite Priest" and his parish church is "strong" "all-powerful". The priest uses this "Elite" part of his office for the pressing the court and usual members of his church come to the church trial, where they loudly curse me and my family members and arrange different provocations. Threatening phone calls also dose not stop. My grandson was threatened of putting drugs by to arrest him by them and use for the fulfillment of their dirty aims of the flat affairs. If no measures are addressed irretrievable tragedy may take place.

This is only a part of dishonest deeds from priest Odishvili and his family.

The principles of declared Constitution of Georgia – Independence of Court power under press of "strong" and "all-powerful" parts of members of Elizbar Odishvili are broken by supreme Court of Georgia, which already 5 times trial did not come to its logical and 3 regional courts, and the result: Seven –year trial did come to its logical and legal and."

Measures due for implementation to ensure the right to adequate housing

In its concluding observations, the Committee on Economic, Social and Cultural Rights called upon Georgia to take appropriate measures to create conditions that would allow internally displaced persons to return to their places of origin. Unfortunately, we have to report that Georgia has been unable to comply with this particular recommendation of the Committee during the reporting period.

The Ministry of Town planning and Construction considers the improvement of the legislative framework to be an essential step in addressing the problems which impede the realization of the right to housing and the construction of accommodation. To this end, the Ministry has prepared a bill on condominiums, which it has submitted to the Government for its consideration. Other bills on town planning and a draft enactment on building regulations for Tbilisi have been prepared and are currently at the consultation stage.

Child labour

In 1999-2000, the National Statistical Office made a study of the labour activities of children of an economically active age (7•17 years). The findings of the study show that 4.5 per cent of the country's total child population is engaged in some form of economic activity: 50.9 per cent work in the home or family business, 39.5 per cent are only engaged in study, 5.1 per cent do not go to school, and 1.4 per cent neither goes to school nor work.

In all, there are 829,600 children between the ages of 7 and 17. Broken down by age groups, the figures are as follows: 7•8 years - 141,200 children (17 per cent); 9•11 years - 214,000 children (25.8 per cent); 12•14 years - 237,800 children (28.7 per cent); 15•17 years - 236,600 children (28.5 per cent).

By gender, 49 per cent of children are girls (406,900) and 51 per cent (422,700) boys.

Among children aged 15•17 (15 being the lowest age at which a child may enter into labour relations), 7.66 per cent are engaged in economic activity, 61.9 per cent work in the home or family business and 14.1 per cent do not attend school. Broken down by gender, these figures are as follows:

Boys: 5.2%; 41.1%; 5.2%;

Girls: 3.8%; 61.1%; 3.8%

By economic sectors, the number of children in employment is as follows: 70.3 per cent are employed in agriculture; 3.6 per cent in processing industries; 1.4 per cent in construction; 15.2 per cent in technical servicing; 1.2 per cent in the transport and communications sector; 0.5 per cent in education; 7.8 per cent in other spheres.

The average working day for children in employment is 5.8 hours.

Unfortunately, there are lots of children living in the streets who are not getting adequate, compulsory education. They work in street markets. Many of them beg to earn money for the family. This category is often over-represented by national minorities and their rights are often violated but the government does nothing for its prevention.

Georgia has ratified the Convention on the Rights of the Child on 21 April 1994, but the rights of children are violated everyday. In certain cases, traffickers are the representatives of Criminal "justice" police. They work in the streets where many homeless kids are gathered. As a result most of the kids end up exploited in the sex trade and in child labor houses.

Several NGO's work with such children who live, work, or trade on the streets. Lia Merkviladze, a psychologist, thinks, that there is a rather well-organized child trafficking system in operation in Georgia. In order to become the victim of trafficking it is not necessary to cross the border into another

country.

When 7-8 year old children are involved in labour and are paid much less than their elders, this can be considered as trafficking. "In the Gldani district infant's police division I was told that a 9 year old girl was a prostitute," says Lia Merkviladze. Estimates climb daily as to the number of children living on the streets or in insecure homes. On several occasions, there are parents who let their children make a living on the streets – they are soon caught in the net of traffickers.

Issues like the commercialization of child sexual abuse and the forced trafficking of children, raise a wide range of health and legal concerns. One successful strategy that can help all these categories of endangered children and youth is to bring together youth workers and agencies with diverse perspectives. Another strategy rests in assuming our responsibilities under the Convention on the Rights of the Child.

The Georgian people are poorly informed with regards to the Rights of the Child. Children, their parents and teachers, and social workers lack information with respect to the mechanisms of national and international legislation and defense. Moreover, law enforcement officials, who must handle situations with children and adults as part of their professional duties, also lack this information.

Violence against children is pervasive and goes without punishment. The physical and psychological humiliation of children by members of their families, teachers, police officers and nurses in children's asylums and other establishments has become all too common. Such incidences pose a threat to the healthy development of children's physical, psychological and spiritual state.

Equal Rights of men and women to the enjoyment of all economic, social and cultural rights

Under the Code of Labour Legislation (art. 75, para. 2), in the payment of wages or salaries, no restrictions may be made on discriminatory grounds, including on the basis of sex. For the most part, however, women are employed in low-paying jobs while most management positions in business are held by men.

In general, it should be noted that the representation of women at decision-making levels and in senior public service posts remains unsatisfactorily low.

According to our information, the minimum wages in governmental establishments are 30-40 GEL, while the minimum living existence amount has been determined to be approximately 155 GEL.

Traditionally, Georgian society has assumed that discrimination based on sex does not exist, and

therefore no special measures to guarantee the rights of women were required. According to article 38 (1) of the Georgian Constitution: “Citizens of Georgia are equal in social, economic, cultural and political regardless of national, ethnic, religious or language origin. According to universally recognized principles and norms of international law all have the right to develop their culture freely without any discrimination and interference. They may use their language in private and public life”.

A cursory examination of the percentage of women’s participation in the development of the political, economic or social spheres in Georgia reveals that women are not perceived as equal partners.

As a social group, women in Georgia are isolated from political and legislative decision-making. In 1999, out of 233 Members of Parliament, 16 were female. Nowadays there are only 10 women in parliament. (*HRIDC Monthly Newsletter, 2001*).

Touching upon the important issue of remuneration to men and women, we should not that Georgia is in quite a critical condition. According to the estimates of the Ministry of Labour, Health and Social Affairs, the average monthly salary of women employed in different fields of the economy is 55 Gel as against 112 Gel for men. Under such circumstances we may draw the conclusion that the much-hoped-for, widely acclaimed, and legally supported equality of men and women in terms of compensation is illusory. Women are predominately employed in low-paying jobs and are therefore subject to indirect discrimination.

Accordingly, it has not yet been possible for Georgia to fulfill the recommendation of the Committee on Economic, Social and Cultural Rights (para. 23), urging the State party “to take adequate measures to ensure that the minimum wage is sufficient to meet the basic needs of the wage earner and his or her family”.

Education

Nationwide surveys show almost universal access to primary and secondary education and a high percentage of the population with higher educational degrees. At the same time, however, there is little doubt that the Georgian education system needs serious improvement if it expects to sustain these remarkable enrollment figures long term. Some of the most important reported factors hindering the performance of the education system are presented below:

The existing education system is unable to respond to demands imposed by the new market economy. "In the past, teachers were trained to deliver one curriculum that reflected a very positivist view of

knowledge, where there was only one truth and that was contained in a single textbook. Students were seen as passive recipients whose main duty was to absorb all factual knowledge that the teacher presented during the lesson. A good student was one who could memorize and repeat the lesson. As a result of this model, a direct observation of Georgian classrooms today shows that regardless of grade, subject, region or urban/rural distinction a similar teaching pattern is followed" (*See Georgia - Education system realignment and strengthening program. World Bank, Washington DC.*).

The continued absence of investment in infrastructure has caused major damage to schools throughout the country. The Ministry of Education reported that 70 percent of rural schools and 84 percent of urban schools need significant capital repair or outright reconstruction. According to the evaluation of the Social Investment Fund, the total bill for restoring school buildings could reach 200-250 million USD (*The analysis of the situation of children school education in Georgia in 1998 - 1999. UNICEF Report, Tbilisi, 1999*).

In tertiary education, students overwhelmingly report teaching that does not invite their input or feedback. Examination results are not always objectively assessed. Practices vary from patronage to bribery. The existence, size, and budget absorption of different tertiary departments often does not reflect employment demand.

The efficiency of spending in kindergarten, primary, and secondary schools has been reported as very low for the period 1996-1998 (NHDR, 1999). Based on previous findings, however, it is clear that unless resource management in the system of kindergarten, primary and secondary schools increases significantly, reforms in the education system are heading for failure. (*Source: UN Human Development Report, 2001*)

The necessary legislative framework for the formation and operation of a vocational guidance and training system in the area of human resource development is already in place in Georgia. The right to education is guaranteed by article 35 of the Constitution and the Education Act and the Elementary Vocational Educational Act spell out the State policy in this area.

Because of the high level of unemployment and the generally low level of economic development, the job-related income of most employed people is lower than the subsistence minimum. In the current conditions in the country, salaries and wages have lost their function as incentives and turned into a form of social disbursement unrelated to the quantity and quality of work.

The low levels of remuneration have had a negative effect on the attitude of employees to their functions and duties and are primarily responsible, in most cases, for their decision to take a second job. Another consequence of the low level of wages and salaries is the deterioration in labour discipline and, in general, in efficiency in the workplace

The Ministry of Labour, Health and Social Welfare is responsible for monitoring and coordinating the vocational guidance, training and retraining of unemployed persons. Its work in this area is designed to bring the training and retraining system into line with, first, the requirements of ILO Conventions 142 and 122 and, second, the actual demand for human resources in the labour market. To that end, the Ministry should conduct the following measures:

Developing special vocational training and retraining programs for the unemployed;

Identifying sources of extra budgetary funding and raising such funds;

Conducting the said special programs in accordance with international standards.

At the same time, it must be conceded that this policy is not being followed satisfactorily.

In recent years, the number of pupils in secondary and special education schools has been relatively stable. Meanwhile, recent years have seen a drop in the number of both state-run secondary schools and pupils in absolute figures. It should be noted that this decrease occurred in both Georgian- and non-Georgian-language schools. However, the decrease in non-Georgian-language schools is more dramatic. In a similar vein, the number of primary and technical schools, as well as of pupils in, and graduates from them, is scaling down. (*See report of the Public Defender of Georgia, 2001*)

A marked reverse trend persists regarding the number of students in state-run high-end educational institutions. This is on a par with the upward trend in the number of private high-end educational schools. There is much prestige associated with achieving the highest levels of education in Georgia. However, it is clear that specialists are prepared with utter disregard for the current market demands. Under such circumstances, it is very likely that certified specialists will end up without jobs and will join the inflated army of the unemployed.

As for the budget funding of the school education system, it should be pointed out that, regrettably, budget allocations continue to drop. It is much hoped that within the framework of the soon-to-be-allocated World Bank loan, the Ministry of Education of Georgia will finally resolve the question of funding the secondary education system. Until then we have to report that in the area of education, Georgia has not been able to live up to its international commitments under Article 13 of the Covenant on Economic, Social and Cultural Rights.

The Presidential Anti-Corruption Council of Georgia has found that the current method of running the education system is debilitating. Corruption in educational institutions is on the increase, resulting in the violation of the rights and interests of the people employed in the system. Further, outright corruption in the education sector flouts the dignity of its employees and violates their labour rights. Finally, the rights of pupils and students are encroached upon. The system requires root-and-branch changes. Effective measures must be taken to hold high-ranking officials responsible for such violations.

The Minister of Education in Georgia, Alexander Kartozaia, is opposed to the election of directors in

secondary schools. He has taken into consideration the recommendation of the Anticorruption Coordinating Council for the prevention of corruption in schools but views it as an unfavorable experiment. According to Kartoza there is no comparable experience in the world of electing such school directors.

NGOs demand the election of school directors and expect support from the State Minister and President. This will help ensure that schools are shaped as self-governing facilities that can solve their problems themselves. (*Source: HRIDC monthly newsletter, 2002*).

Table 3: Educational establishments: Number of students and pupils (at beginning of academic year)

	Number of institutions			Number of students (pupils) (in thousands)		
	1997/1998	1998/1999	1999/2000	1997/1998	1998/1999	1999/2000
Preschool establishments	1 224	1 241	1 229	74.9	74.2	74.0
State general education schools	3 223	3 237	3 201	721.8	722.5	714.4
Elementary vocational and trade schools	99	98	84	17.8	18.4	16.8
State secondary specialized educational establishments	81	83	85	30.7	32.4	29.9
Private (fee paying) secondary specialized educational establishments	47	58	58	5.2	7.2	6.8
State higher educational establishments	23	24	24	87.3	90.1	95.0
Private (fee-paying) higher educational establishments	159	154	162	40.2	38.3	40.1
Postgraduate institutions	66	66	69	1.9	1.8	1.8

(Source: initial report of Georgian government)

Table 4: Breakdown of pupils at daytime general educational schools, by language of instruction

	1997/1998	1998/1999	1999/2000
Total number of pupils (in thousands)	714.6	715.8	707.6
Of which taught in:			
Georgian	600.0	603.1	600.4
Russian	44.4	43.7	40.8
Azerbaijani	41.9	41.0	39.6
Armenian	28.0	27.8	26.7
Ossetian	0.2	0.2	0.2

(Source: initial report of Georgian government)

Schools for mentally and physically disabled children

According to official information, education for children in this category is provided by 14 residential institutions catering for 2,460 children (1,151 girls and 1,309 boys) aged between 7 and 18. Analysis of recent data reveals that the number of children in residential institutions has steadily increased from 1,551 in 1997 to 2,460 in 2000 (*official data from the State Department of Statistics*).

Public funding for education

Information received from various sources indicates that, over the reporting period, public expenditure on education has declined steadily. In absolute terms the sum involved was just less than 30 million GEL. Against the backdrop of a chronically under funded education system, as noted in the *Human Development Report Georgia, 2000* prepared by the United Nations Development Program (UNDP), propitious circumstances have developed for an informal system of payments whereby Georgian households fund much of the budget of educational institutions from their own resources. They contribute to so-called “school funds” and provide fuel to heat school buildings in wintertime, etc. In addition, official fees are payable at private secondary and higher educational establishments.

The information provided by the World Bank and the Budgetary Office of Parliament shows that public expenditure on education from the 1995-1999 State Budgets in USD equivalent. It can be observed that since 1997, budgetary allocations have been decreasing steadily and that in 1999 were less than 15 million USD, approaching in real terms the levels of 1996.

(Source: World Bank; 1999 State Budget of Georgia; Budgetary Office of Parliament.)

The right to take part in cultural life

All the people have equal rights to enjoy their cultural rights without discrimination.

There are currently two funds in Georgia whose main aim is to develop culture and encourage the creative involvement of all population groups. These are the Cultural Heritage Fund and the Fund for the Development and Popularization of Culture.

The Ministry of Culture is directly responsible for 11 cultural centers, 478 houses of culture and 849 clubs. Most of these institutions are in need of physical repair; they are housed in unsuitable premises with no heating in winter, and their furnishings and equipment are worn out. Most of the 14 parks of culture and recreation require a facelift: new trees and shrubs need to be planted and the fun•fairs are now thoroughly obsolete. There is no money for restoration work or the acquisition of new stock and equipment.

Intermittent performances are put on by Georgia's 72 amateur theatre groups (20 puppet theatres and 52 folk theatres).

Georgia boasts 1,650 amateur folk ensembles. A folk Olympiad was held in 1997, and plans were made to repeat the event every two years. But again it was impossible to translate this project into reality for want of funds. The main problem facing folk ensembles is lack of money, which means that many groups cannot even afford costumes. Despite repeated invitations to seminars and conferences organized by the International Organization of Folk Art, Georgian representatives have been unable to participate for want of funding.

As regards the amateur cultural activities for Georgia's minorities, there are amateur Armenian theatres in Akhaltsikhe district (village of Sadzelisi), Akhalkalaki and Ninotsminda, and a Russian national theatre at the Rustavi house of culture. The Daiomakh folk ensemble is based in Akhmeta district; there is an Assyrian folk group based in Tetri-Tskaro; and there are Armenian folk ensembles in Akhalkalaki and Ninotsminda.

As is the case with cultural centers, the main problems confronting Georgia's libraries and museums are bound up with insufficient material resources and inadequate funding.

Of the total number of libraries operating in Georgia, 120 are specifically for children and nine for young people. In Tbilisi and Batumi there are two central State libraries and Tbilisi also has a central State youth library.

Practically all social and ethnic groups are represented among library users (except Roma population in Georgia). Libraries normally hold a diverse stock of foreign literature, both in the original and in translation. Library holdings in areas with large ethnic minority populations include literature in the local language. These libraries serve as a venue for meetings with representatives of the intelligentsia and creative arts of national minorities and for various jointly organized events.

The problems facing libraries are mainly bound up with the lack of full-time librarians. Local budget under-funding means that library holdings are not replenished with new titles. In many cases libraries are located in unsafe buildings. Up-to-date equipment is quite simply out of the question.

Of the professional theatres currently operating in Georgia, three perform in Russian and one each in Armenian, Abkhaz and Ossetian. Preparations are still being made to establish a national Azerbaijani theatre. Five independent professional theatre companies have also sprung up in Georgia.

The general problem facing all theatres is a lack of money to stage performances and organize tours, and a dearth of information about contemporary trends in world drama. For example, it is impossible to raise funds for the translation and publication of the best in contemporary drama.

In addition to its efforts on behalf of Georgian-language theatre, the State provides whatever assistance it can to ethnic minority theatre companies in helping them organize tours and participate in international theatre festivals and competitions, etc.

Unfortunately, opportunities to showcase world cultural heritage in Georgia are severely hampered by a lack of money. For the same reason it is often very difficult to ensure the participation of Georgian cultural figures in international competitions and exhibitions. There is a steady stream of talented singers, musicians and dancers leaving Georgia.

Recently, the young producer at the Marjanishvili theatre, Dato Doiashvili, planned to produce a play about the 1983 hijack attempt when young people tried to flee from the Soviets. The head of communist party Edward Shevardnadze condemned the offenders and they received capital punishment.

Unexpectedly, the producer was barred from carrying out his plan. It seems that the country is returning to its former strict Soviet censorship days. (*HRIDC – monthly newsletter, 2001*).

The funding of research institutions, in particular, the Academy of Science of Georgia, has critically deteriorated since 1997. The trend of reduction has run across all the items such as utility charges, office expenses, and transport costs, to say nothing about the funds needed to perform scientific research. The budget has completely deleted such items as equipment purchase and capital repairs. In the same period, the number of the employees of the Academy was reduced by almost 34%, and by 50% compared to 1994.

Cited below is the specific example that well illustrates the issues of concern to scientists.

According to Professor Guram Mchedlidze, the director of the Institute of Paleobiology within the Academy of Sciences of Georgia, sharp cuts in funding directly result in continued staff reductions, ultimately leading to dramatic stagnation in a series of scientific areas. If the trend persists, some of them will fall out of the scope of research altogether. Science was not in such a critical condition during World War II. On the contrary, scientists had better conditions at that time and better conditions produced better results - scientists had contributed substantially to all that the Soviet Union achieved both during and after World War II.

Twenty-four scientists were dismissed from institutes under the Academy of Sciences of Georgia in 2001. Labour Law was violated. Director of Muskhelishvili Mathematics Institute dismissed 4 staff members by a decree; the head of the Razmadze Mathematics Institute dismissed one employee; the head of the Geology Institute dismissed 10 employees; also 9 staff members of Seismology and Building Mechanics Institute were dismissed. (*Report of the Public Defender of Georgia, 2001*).

One of the for-discussion documents (TACIS Program) on the reorganization of the Georgian scientific-technological system aptly evaluates the actual condition in Georgia. A summary of the document says that the budget deficit in scientific-research institutions allows for extremely low wages, and in an unregulated manner at that.

The majority of young people have to leave Georgia in order to get jobs in scientific institutions. Others have to make adjustments - they cut every tie with research work and undertake entirely new and different, more profitable activities. And we know that there are many promising and talented scientists among them. This is a direct and lamentable consequence of the critically small place that science and technologies have in the plans of government officials.

Cultural education

The system of arts education in Georgia comprises three levels: elementary (music and arts schools etc.), secondary specialized (arts colleges), higher vocational (arts academy, conservatoire, theatre and cinema institute, cultural institute), and higher (masters degrees, postgraduate studies, traineeships).

Elementary education is financed from local budgets with a partial contribution from parents, whereas secondary and higher vocational education is made possible through State-funded requisitioning of educational places.

Notwithstanding the requirements of the Culture Act, local authorities in many areas of Georgia have independently initiated the process of requiring elementary-level arts schools be completely self-supporting, in effect sounding their death knell. Consequently a large number of talented children from socially disadvantaged backgrounds are being deprived of the opportunity to take up the arts, an opportunity which was formerly offered to them by the State.

In January 2001 amendments were made to the Georgian Tax Code which experts believe will have unavoidable negative consequences for educational institutions in the arts sphere, for example inadequately trained personnel, cuts in teaching staff, unwarranted changes to syllabuses, and in many cases the scrapping of subjects in which there is a shortage of teachers. Accordingly, the Ministry of Culture has petitioned the President, the speaker of Parliament and the Minister for Tax Revenue to review the offending provisions of the Tax Code (chap. 29, art. 188).

Internally Displaced Persons

The total number of internally displaced persons (IDPs) and refugees in Georgia accounts for approximately 250 – 270 000. The principal cause of the current refugee/IDPs situation is to be found in the conflicts in South Ossetia in 1991-92 (which resulted in 50 000 displaced people), and in Abkhazia in 1992-93 (which uprooted approximately 200 000). A small number of refugees (approximately 8 000 people) have been staying in Georgia since the outbreak of the recent conflict in Chechnya. (*HRIDC Newsletter, 2000*).

Most of the displaced (60%) live in private accommodation with host families. Usually they pay for accommodation. There have been reports of eviction. About 40% live in collective centres, mainly former hotels, hospitals and public buildings in very precarious conditions. Approximately half of these buildings are in poor or very poor condition with roofing, sewerage and glazing in need of urgent repair. Water systems not designed with a capacity for the number of people now using them. Overcrowding, limited access to facilities, such as toilets or kitchens, are common problems. (*Source: Recommendation 1570 (2002)11, Situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia, Parliamentary Assembly of the Council of Europe*)

The unemployment rate among the displaced is twice to three times higher than for the local population. In rural areas, the displaced rely partly on the land plots provided by the State for temporary use but the land provided is often of poor quality and too distant from accommodations. A survey by the Norwegian Refugee Council concluded that over 50% of IDP households consistently lacked adequate clothing, and 70% were without enough food.

The vast majority of the displaced population is dependent upon State assistance. IDPs are entitled to social aid especially in the form of a small monthly financial assistance package which is far below the

minimum survival levels. Other forms of assistance include positive discrimination on the labour market, allocation of land plots, and free and partially free access to various service benefits. However, the increasing transfer of public services to the private sector reduces the right of the displaced to a free access to these services to almost nothing (*Recommendation 1570 (2002)*¹¹, *Situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia, Parliamentary Assembly of the Council of Europe*).

Access to health care provides a good example of the illusion of state assistance. It is supposed to be provided free of charge to all citizens, but in practice, payment is required.

Economic migration in Georgia

The current social and economic conditions in Georgia, together with the resulting civil unrest, have increased the instance of both prostitution and trafficking of women. Around 46% of women in Georgia have lost their jobs during the last few years. Poverty and unemployment force Georgian women and girls into prostitution or to seek work abroad in countries such as Turkey, Israel, Greece, or other European countries, as unskilled cheap labour or as prostitutes.

Traffickers usually recruit young women through agencies offering jobs abroad, advertising, for example, for 'waitresses.' They collect a group of women and prepare their travel papers such as visas, tickets etc. Upon arrival, the women's passports are frequently confiscated and they are forced to work as prostitutes.

Cases of migration are mostly employment driven. The reasons for international migration are diverse but it is clearly linked to the high level of poverty, unemployment and unfavorable living conditions. In some cases they leave their entire families, although not willingly, in search of a better life and living conditions in other countries.

For some, their survival is dependent on employment driven migration. Considering that a substantial number of Georgian émigrés illegally depart the country, the risk of discrimination and trafficking for Georgian citizens is quite high. Data compiled by the Statistics Department estimates that more than 40,000 citizens will emigrate from Georgia in the next six months due to the high level of unemployment. Of these, 67.2% will travel abroad to find work. It is important to note here, however, that only a quarter of the emigrants seeking work abroad will be able to find it, while the others will rely on the Georgian Diaspora community for help. It seems that the number of emigrants from Georgia will continue to rise and a substantial number of émigrés become the victims of trafficking, as they lack sufficient knowledge to avoid and protect themselves.

Unofficial data shows that about one and a half million Georgian citizens have emigrated in the past 10 years. This figure is quite alarming, as the population of Georgia comprises only 4 452 100 persons (*Report of Public Defender of Georgia, 2001*).

Although the results of emigration can already be felt, the problem is further complicated by the superficial gathering of statistical data, as well as incomplete, invalid or incompatible sources of information. The analysis of available data enables us to conclude that the number of people who illegally emigrate from Georgia is quite substantial. We possess information regarding specific incidences of the trafficking of Georgian citizens.

Data analysis conducted by non-governmental organizations and human rights organizations have revealed the following: 70% of Georgian émigrés are women; the average age of émigrés varies from 21 to 49; The victims of trafficking are predominantly young people and are mostly internally displaced persons. These numbers are quite appalling.

The State has neither adopted a policy to address the problem of trafficking nor does it provide any assistance to trafficked women. Moreover, the Georgian Criminal Code does not fully cover all aspects of crime or felonies connected with the trafficking; trafficking in women is not prosecuted as a separate offence under Georgian criminal law. In theory, traffickers can be prosecuted under article 143 of the new Criminal Code which provides for up to 5 years imprisonment for illegal deprivation of freedom.

All of the above-mentioned factors result in impunity for trafficking in women.

The government must bring the existing Georgian legislation into conformity with these conventions and protocols and we should also take into account the experience of those countries that have reached a certain level of success in preventing illegal migration and the trading of people.

Georgia faces new wave of migration and it is possible, that 100 thousand people are poised to leave the country, says Mr. Tamaz Gugushvili, head of State Department on Migration Control.

Georgia faces real threat of demographic catastrophe because mainly young people leave the country. (*HRIDC Newsletter, 2002*). According to the Public Defender the Georgian population is decreasing rapidly. The population of Georgia was 5464000 in 1989, but in 2001 it was down to 4452000. In 1989, the number of children under the age of 9 was 910000, whereas in 2001 it decreased to 601000.

The reasons of migration are obvious – hardship, criminal situation, corruption, mass violations of human rights, loss of territorial integrity and non-democratic governance.

Unfortunately, the state has failed to implement any effective measures to stem the flow of so many Georgians.

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The International Federation for Human Rights (FIDH)

The International Federation of Human Rights Leagues (FIDH) was created in 1922 on the initiative of a few European national organisations, including the French and German Human Rights Leagues.

It was thus the **first international organisation created for the defence of human rights** : its purpose being the promotion of the ideal of human rights, the struggle against their violation, and demand for their total respect.

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The Human Rights Information and Documentation Center (HRIDC)

The Human Rights Information and Documentation Center (formerly known as *the Independent Society “Human Rights in Georgia”*) was founded on December 10, 1996 as a non-profit NGO in Tbilisi, Georgia.

HRIDC runs specific projects regarding: Police and Human Rights; Minorities; Human Rights Education; The Rights of the Child; Economic, Social and Cultural Rights; Migration/Trafficking; Human Rights Defenders; Violence against Woman; Conflict Prevention.

HRIDC/ISHRG is supported by:

Council of Europe; Westminster Foundation for Democracy, *UK*; United States Institute of Peace (USIP); Open Society – Georgia Foundation; Norwegian Human Rights Fund; DFID, British Embassy in Georgia; IREX/IATP - *sponsored by the Bureau of Educational and Cultural Affairs (ECA) of the US Department of State*; X Minus Y Solidarity Fund, (*The Netherlands*); UN Volunteers (UNV); CORDAID (*The Netherlands*); Royal Netherlands Embassy; Minority Rights Group International, *UK*; The World Bank; The National Endowment for Democracy, *USA*.

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- UNITED for Intercultural Action - *European Network Against Nationalism, Racism, Fascism and Support of Migrants and Refugees.*

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