



**Georgia Human Capital
Program for Results (PforR)
P175455**

Environmental and Social Systems Assessment (ESSA)

Draft for Consultation

November 29, 2021

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ABBREVIATIONS AND ACRONYMS

ALMP	Active Labor Market Policy
ATIPfund	State Fund for the Protection and Assistance of Victims of Human Trafficking
CSO	Civil Society Organization
CWD	Children with Disabilities
DLI	Disbursement Linked Indicators
E&S	Environmental and Social
EA	Environmental Assessment
ECA	Europe and Central Asia
EIA	Environmental Impact Assessment
EMIS	Education Management Information System
ERC	Educational Resource Center
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESMS	Environmental and Social Management System
ESSA	Environmental and Social Systems Assessment
EU	European Union
GBV	Gender-based Violence
GM	Grievance Mechanism
IDPs	Internally Displaced Persons
ILO	International Labor Organization
LEPL	Legal Entity under Public Law
LGBTI	Lesbian, gay, bisexual, transexual, and intersex people
MOES	Ministry of Education and Science
MOF	Ministry of Finance
MOILHSA	Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs
NAEC	National Assessment and Examinations Center
NCEQE	National Center for Educational Quality Enhancement
NEET	Not in Employment, Education, or Training
NHA	National Healthy Agency
OECD	Organization for Economic Cooperation and Development
OGP	Open Government Partnership
PCU	Project Coordination Unit
PforR	Program for Results
PISA	Program for International Student Assessment
PIU	Project Implementation Unit
PMT	Proxy Means Test
PWD	Persons with Disabilities
SEA	Sexual Exploitation and Abuse
SELFIE	Self-reflection on Effective Learning by Fostering the use of Innovative Educational technologies
SESA	State Employment Support Agency

SH	Sexual Harassment
SSA	Social Services Agency
TSA	Targeted Social Assistance
UHCP	Universal Healthcare Program
UN	United Nations
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund

Executive Summary

Context and Objectives

This **Environmental and Social Systems Assessment (ESSA)** has been prepared by the World Bank in collaboration with the Government of Georgia as part of the preparation for Georgia's Human Capital Program-for-Results (PforR) financing. The Bank will support the implementation of Georgia's Human Capital strategy and reform through this PforR operation in the education, health, and social protection and employment sectors by providing increased efficiency, inclusion, and connectivity in Georgia's human development services.

The ESSA examines applicable environmental and social management systems (ESMS) to assess their compliance with the [Bank Policy Program-For-Results Financing](#). It aims to ensure that the Program's environmental and social risks will be managed adequately and that the Program complies with the basic principles of sustainable development. Paragraph 9 of the [Bank Policy Program-For-Results Financing](#) describes the core principles of environmental and social management that may be considered as relevant or applicable in the ESSA. These core principles are as follows:

- Promote environmental and social sustainability in the PforR Program design, avoid, minimize, or mitigate adverse impacts, and promote informed decision making relating to a program's environmental and social impacts.
- Avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the PforR Program.
- Protect public safety and the safety of workers against the potential risks associated with: (a) construction and/or operation of facilities or other business practices in the program; (b) exposure to toxic chemicals, hazardous wastes, and other dangerous goods under the program; (c) reconstruction or rehabilitation of infrastructure in areas prone to natural hazards.
- Manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement and assists the affected people in improving or at the minimum restoring their livelihoods and living standards.
- Give due consideration to the cultural appropriateness of, and equitable access to, program benefits, giving special attention to the rights and interests of indigenous peoples and to the needs or concerns of vulnerable groups.
- Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.

The ESSA evaluates the compatibility of the Program's systems with the core principles on two basic levels: (a) the systems as defined by laws, regulations, and procedures (the 'system as defined') and (b) the institutional capacity of implementation entities under the program to effectively implement the system (the 'system as it is applied in practice'). It identifies and analyzes the differences between the national systems and the core principles that apply to the Program on the two levels indicated above.

Approach for the ESSA

The preparation of the ESSA and the development of measures to strengthen the ESMS have benefited from various desk-based reviews and consultative processes, including the following:

- **Review.** The review focused on national legislation and other relevant regulations and policies in the areas of equal opportunity and non-discrimination, education, health, social protection, and environment, with a special focus on identified environmental and social aspects relevant to the Program. These included social inclusion, coverage of identified vulnerable and disadvantaged¹ groups by relevant national laws and challenges in the implementation of these laws, access for vulnerable and disadvantaged groups to services supported by the Program, stakeholder engagement practices and existing grievance redress mechanisms in implementing agencies, accessible and safe environments in educational and healthcare institutions, and the management of medical and e-waste. It also included a review of various international organizations' publicly available reports and relevant Bank studies.
- **Initial stakeholder consultation meetings.** To develop a better understanding of implementation practices, procedures, standards, and the approach for this Program, in the period from June to September 2021, the Bank team carried out meetings with various stakeholders including technical staff in the Ministry of Education and Science (MOES) and the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs (MOILHSA) as well as representatives of other government agencies, including the Social Services Agency (SSA), the State Employment Support Agency (SESA), the Social Protection Policy Division in MOILHSA, the Labor and Employment Policy and Collective Labor Disputes Division in MOILHSA, the National Health Agency (NHA), and the Policy Division in the Agency for IDPs and Eco-Migrants at MOILHSA. Technical staff from other relevant organizations in Georgia were also consulted, including the United Nations Children's Fund (UNICEF) and Save the Children. The Bank team also consulted organizations which directly work with potential Program beneficiaries including GeoWel, and the MacLain Foundation in Georgia. These initial stakeholder consultation meetings informed key ESSA findings, contributed to formulating the ESSA Program Action Plan, and impacted the design of the Program. Further elaboration on these details can be found in the main ESSA report.
- **Formal consultations.** The draft ESSA was initially disclosed in English, and then redisclosed in English and Georgian languages on November 29, 2021, through the external website of the Bank, and on the webpage of the World Bank Country Office in Georgia and public comments will be solicited until 16 December 2021.
- The Bank will carry out consultations with stakeholders on the draft ESSA report in a series of targeted small on-line meetings in Georgia between December 6 – 15, 2021. The draft

¹The terms "vulnerable and disadvantaged" are used throughout this ESSA to describe persons or groups in Georgia who both live in or are on the edge of the poverty line and may be particularly vulnerable to small changes or systemic shocks as well as those who are disadvantaged in the system: persons from rural or high mountainous regions, internally displaced persons (IDPs), persons with disabilities (PWDs), children with disabilities (CWDs) and/or with other special education needs, ethnic and linguistic minorities, women and girls, unemployed/hard-to-employ persons, youth who are not in education, employment or training (NEET), those without internet/device connections, and the poor, especially those persons or families who have lower education levels, nutrition and health outcomes. While this list is not exhaustive, it describes persons and groups which are addressed throughout the ESSA.

ESSA report, including Executive Summary, in both Georgian and English languages, will be circulated prior to the meetings. Observations from the workshop will be included in the final ESSA report and a complete list of participants and a summary of their comments will be provided in Annex 4.

- The final ESSA report will be disclosed in the English and Georgian languages through the external website of the Bank.
- Communities and individuals who believe that they are adversely affected as a result of a Bank supported PforR operation, as defined by the applicable policy and procedures, may submit complaints to the existing program grievance redress mechanism or the Bank's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address pertinent concerns. Affected communities and individuals may submit their complaint to the Bank's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of the Bank's non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. Information on how to submit complaints to the World Bank's corporate GRS is available at <http://www.worldbank.org/GRS>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

Program Description

The Program is focused on a subset of priorities formulated in the Government's Human Capital Strategy which aims to address challenges in the education, social protection and health sectors. In particular, the Program proposes to address three main areas (Results Areas) in these sectors: (a) efficiency, (b) inclusion, and (c) connectivity. The PforR operation will address critical human capital issues to achieve key desired outcomes: improved efficiency and costs of human capital services; improved access to quality services for all Georgians, including the vulnerable, poor and underserved groups like rural population, low-income minority groups, etc.; and increased connectivity and digitalization driving greater cost-efficiency and quality in services while improving result-orientation and monitoring of 'value for money' through government funding.

Institutions, Roles, Responsibilities, and Coordination

To ensure proper implementation of the Program, an institutional arrangement will be established and will include the following structures:

- Ministry of Finance (MOF) will be the Borrower and will establish a PforR Program Coordination Unit (PCU). This PCU will be led by a director (Deputy Finance Minister for IFIs).
- The MOES as the Ministry responsible for the education portions of the PforR and interfacing with education agencies.
- The MOILHSA, as the Ministry responsible for the health and social protection portions of the PforR and interfacing with health and social protection agencies.

Both MOES and MOILHSA will have the responsibility for the financial, environmental and social management and procurement of the activities they implement, as in the existing government arrangement. MOES and MOILHSA will have the responsibility to implement, monitor and report on the agreed ESSA Program Action Plan.

Program Environmental and Social Effects

The Program's social risk is assessed as Moderate, and Environmental risk as Low. Program activities are designed to strengthen the overall delivery of human capital services (education, health, and social protection) with a special focus on expanding service access to vulnerable and disadvantaged persons and families. Therefore, the overall impact of Program-supported activities is expected to be beneficial. The Program will not fund any activities involving high or substantial environmental or social risks, such as extensive land expropriation, relocation of large numbers of people, heavy pollution, significant transformation of the natural environment, or activities that pose a significant threat to the health and safety of workers and communities. The Program may support rehabilitation or retrofitting works at the selected school buildings and the offices of social protection agencies, but will not finance any new construction, nor require any new land acquisition. All rehabilitation works will take place within the perimeters of existing buildings. Overall, the Program's social and environmental risks will be manageable through compliance with the national regulatory framework and the implementation of activities included under the DLIs.

Main Social Effects of the Program

The overall objective of Program-financed activities is to make the human capital delivery system in Georgia more efficient, inclusive, and connected. The activities financed under the Program may include minor rehabilitation civil works which will not require land acquisition or the relocation of people, initiate a labor influx, cause adverse impacts on communities or risks of child and forced labor. The Program is expected to create a wide range of social benefits and improved coverage for vulnerable and disadvantaged groups within education, healthcare, and employment services as well as leverage digital technology for better connectivity and integration. The Program is not anticipated to cause adverse effects on gender, vulnerable and disadvantaged groups, poverty, and equity. Actually, the Program intends to address some of these inequities. It is anticipated that the Program will strengthen the delivery system's reach to end beneficiaries, ensuring access to human capital services and benefits for vulnerable and disadvantaged persons and families. Thus, the Program will contribute to bolstering Georgia's overall human capital capacity.

However, there may be residual social risks associated with the adequacy of targeting all eligible vulnerable and disadvantaged groups, thus leading to the potential exclusion of certain eligible beneficiaries from the Program benefits. These residual risks of potential social exclusion from the Program benefits can be associated with the Results Area 1: Efficiency for quality improvement and Results Area 2: Inclusion - Inclusion of all groups to access good quality human development services from the Program. Risks associated with ensuring inclusion in the Program's benefits are likely to be associated with the implementing agencies' implementation practices and their capacity to target and provide services to vulnerable and disadvantaged groups. In addition, experience with projects in Georgia has indicated that stakeholder engagement of vulnerable and disadvantaged groups was often not adequate. However, these performance gaps will be addressed through the systems strengthening measures proposed in the ESSA Program Action Plan and Program design.

The main social risks associated with the Program are related to ESSA Core Principle #5 with special regard to vulnerable and disadvantaged groups' access to and inclusion in Program activities. The vulnerable and disadvantaged groups may include: persons from rural or high mountainous regions, internally displaced persons (IDPs), persons with disabilities (PWDs), children with disabilities (CWDs) and/or with other special education needs, ethnic and linguistic minorities, women and girls, unemployed/hard-to-employ persons, youth who are not in education, employment or training (NEET), those without internet/device connections, and the poor, especially those persons or families who have lower education levels, nutrition and health outcomes. Experience with projects in Georgia indicates that there may be a risk of inadequate stakeholder engagement with vulnerable groups due to a lack of tailored outreach efforts, insufficient information provided in an accessible manner, and a lack of functional grievance redress systems. The use and handling of personal data under the Program will be managed in line with the national law on personal data protection.

Main Environmental Effects of the Program

Environmental risks of the Program are assessed to be low. The Program will not create additional environmental footprint as it supports neither construction of new infrastructure nor the extraction of natural resources. It does not include any activities that may lead to heavy emissions or the discharge and generation of large volumes of waste. The Program carries no risks for habitats and biodiversity, and tangible or intangible cultural resources. It will not result in a change of land use pattern, will not restrict access to private property or publicly owned natural and cultural resources.

Minor environmental risks are related to the results area 1: Efficiency for Quality Improvement, and results area 3: Results Orientation through Connectivity. The Program aims to narrow the gap in the quality of teaching and in learning outcomes between urban and rural schools, with particular emphasis on secondary education. The creation of an accessible and safe schooling environment will be an integral part of this effort. The Program also aims at the improvement of social service delivery that implies extending the existing network of social protection agencies and enhancing their user-friendliness. National regulations include both building safety guidelines and standards of universal access. However, much effort is required for retrofitting existing sub-standard buildings of schools and public offices nationwide, especially in rural areas. The Program may finance small-scale physical works for the rehabilitation of school premises and offices of social protection agencies. Environmental risks of such interventions are expected to be minimal, temporary, confined to worksites and easy to mitigate by adhering to the general good construction practice. Occupational health and safety risks of labor force to be deployed for the provision of rehabilitation works are also low, because most part of works will be undertaken in the interiors of buildings, no heavy machinery will be used, and no works at high elevations or deep excavations will be required. Disciplined use of personal protection equipment, adherence to construction equipment user guides, and due caution during works on electric devices and wiring will suffice for minimizing likelihood of worksite accidents.

The Program promotes the use of new technologies and digitalization in public service delivery that is likely to cause an increase in the stream of e-waste in the medium- to long-term. Enhancement of Georgia's waste management system through the enforcement of extended producer responsibility and the provision of incentives for the separation, reuse, and recycling of waste will mitigate this risk.

Environmental and Social Systems Assessment

Social Systems Assessment

Georgia has a relatively well-developed policy and legal framework on education, social and health protection, and some of its elements specifically target vulnerable and disadvantaged groups. Laws and policies aimed at protecting and assisting disadvantaged and vulnerable exist in the country's legal framework, but there is insufficient monitoring of them. While the Law of Georgia on Gender Equality and the Law of Georgia on the Elimination of All Forms of Discrimination include the role of the public defender to provide only a report on identified cases, The Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia has no reporting mechanism. In addition, a report of the Ombudsman 2019 highlighted that the monitoring described in Decree on Inclusive Education (No. 16/n, 2018) did not take place. Concerns about monitoring and evaluation in the education sector were repeated by numerous stakeholders who acknowledged the lack of monitoring and evaluation in the system. Monitoring and evaluation in the health sector is lagging and there is a lack of data on the quality of service provision.

In the area of social protection, identified gaps are related to the implementation of the Targeted Social Assistance (TSA), more specifically the targeting formula. The reform of the TSA targeting model will be the subject of this PforR and is included under *DLI 1*. However, there is still room to improve TSA information dissemination and to make the application process more accessible to ethnic and linguistic minorities as well as persons with disabilities (PWDs). At present, the application process for TSA is available only in Georgian language, and not in Armenian, Azerbaijani, and Russian. While office building administering TSA applications have accessibility for personas with physical disabilities, it is unclear how persons with visual, hearing and speech impairments can access the TSA application process.

In the area of education, the main identified gaps are associated with the availability of instruction and teaching materials in the minority languages, and in the means accessible to children with disabilities. The full assessment of children with special education needs is often not possible in minority languages, jeopardizing their full inclusion in the inclusive education system. The SELFIE tool is currently only available in Georgian and Russian languages, and not in Azerbaijani and Armenian languages.

Regulations do not explicitly cover access of vulnerable and disadvantaged groups to grievance mechanisms or public consultations. While the national legislation may be considered generally adequate, there are several important gaps, particularly in terms of conducting meaningful consultations, confirming that stakeholders are sufficiently informed on project details to provide feedback, ensuring the participation of vulnerable and disadvantaged groups, which requires tailored outreach efforts, and having functional grievance redress systems. Uptake of grievances is low, even in donor-funded projects. Most grievances are usually voiced verbally on sites and addressed by project implementers without being recorded. Thus, much of the feedback from local communities is often lost.

The capacity of SESA to implement Active Labor Market Policies (ALMPs) is limited and the budget allocation for employment programs is small; hence the scale of ALMPs including professional skills training is small. There is a need to upgrade the selection, delivery methods, and curricula of ALMPs and short-term professional skills training in collaboration with the private sector, and to tailor them to the needs of vulnerable and disadvantaged groups. These gaps are being addressed under *DLI 4*. The SESA' outdated WorkNet Portal needs to be revamped to better address the needs of employers and job seekers and to enhance its accessibility to vulnerable job seekers. This gap in implementation will be addressed under *DLI 4*, which will support revamping WorkNet.

MOES grievance mechanism under the Code of the Rights of the Child appear not to be operationalized in practice. The large schools in Georgia have not reported utilization of the grievance mechanism. Likewise, while SESA and SSA grievance mechanisms exist in practice, they do not publish annual reports accessible to the citizens on the category and number of grievances received, average time for closing submitted complaints and how feedback received is considered to improve SESA and SSA operations.

Environmental Systems Assessment

Signing of the Association Agreement with the EU in 2014 significantly influenced shaping of Georgia's environmental systems. Since then, both legislation and institutional setup for environmental management have been improving closely following the roadmap of the EU approximation. Adoption of the Waste Management Code (2014), Environmental Assessment Code (2017), and the new Forest Code (2020) formed the backbone of the environmental regulatory system currently in force. Supporting legislation in the form of by-laws and normative acts gives technical specifications, establishes thresholds, details procedures, and provides other tools for enforcing policies and framework laws.

Institutional reforms undertaken to optimize executive units of the Government resulted in the generally adequate and suitable structures for administering sustainable and equitable use of natural capital and ecosystem services. At the same time, modest public expenditure on environmental management limits the number and skill-mix of human resources as well as the required physical infrastructure and equipment. Due to these shortages, the implementation of transformational new regulations is being phased in gradually to allow cost-intensive public facilities to come along and the private sector to adapt.

Environmental Assessment Code adopted in 2017 establishes due procedures of screening, scoping, environmental assessment and permitting for investment operation and strategic development plants. One shortfall of the Code is that it does not apply any due diligence to small-scale works. Such activities are not subject even to the environmental screening, which means that small works that may carry environmental risks under certain circumstances would not be identified, and no mitigation measures would be applied to them. Furthermore, the Code requires full-scale environmental impact assessment for all activities which are subject to environmental permitting and no simpler environmental management instruments (e.g., self-standing environmental management plans) are required for lower risk operations.

Law of Georgia on the Code of Spatial Planning, Architecture and Construction Activities provides the principle of universal access to public buildings. National Standards of Accessibility, adopted in 2021, establishes technical parameters of interior and open public spaces required for their safety and accessibility to people with disabilities. Adherence of building designs to these standards is mandatory for permitting any new construction. National Plan of Accessibility is to be approved by the Government of Georgia for gradual retrofitting of the existing public buildings. Development of the Plan is underway, but behind schedule.

Solid waste management and wastewater treatment infrastructure, including facilities for the disposal of e-waste, are insufficient, though sectoral strategies and plans are in place establishing targets and timeframes for their attainment. Waste Management Code of Georgia introduces hierarchy of handling waste that prioritizes minimization of waste streams; requires waste separation, reuse, and recycling; promotes 'polluter pays' principle, and extended producer responsibility; and creates enabling environment for the circular economy. Implementation of the Code is facing challenges due to acute lack

of waste handling and disposal infrastructure. Institutional framework and economic incentives for waste separation and recycling are also weak. May 2020 resolution of the Government of Georgia approved Technical Regulations on the Management of Waste from Electric and Electronic Equipment, providing for separation, collection, and organized storage of e-waste with the purpose of turning in to producers for recovery and recycling. The system is taking off at present.

National regulations governing labor conditions and occupational health and safety were considerably upgraded/reformed very recently towards stronger alignment with the principles of the International Labor Organization. Labor Inspection Service, created under the MOILHSA, is in the process of accumulating institutional strength and experience required for facilitating implementation and enforcement of the Labor Code and the Law on Occupational Health and Safety, passed in 2019 and 2020 respectively. Depending on the nature of operations and number of personnel employed, all legal entities are required to have designated occupational health and safety professionals on staff or on advisory contracts.

ESSA Program Action Plan

To fill the gaps between the existing ESMS and international good practice identified through this environmental and social systems assessment, the Program will support specific measures to enhance the performance of the ESMS related to social inclusion. These measures will be implemented through the following actions:

- 1. Ensure the appointment of environmental and social specialists.** No later than 60 days after the PforR's Effective Date, the MOF in coordination with MOILHSA and the MOES will appoint environmental and social specialists in the PCU.
- 2. Make information about TSA availability, eligibility criteria, and the application process available in Armenian, Azerbaijani, and Russian, and in means accessible to persons with disabilities.** No later than 180 days from the PforR's Effective Date, MOILHSA shall submit both a report to the World Bank on community outreach to potentially eligible TSA beneficiaries in regions with linguistic minorities and to persons with disabilities as well as the TSA applications procedures in Armenian, Azerbaijani and Russian, and in means accessible with persons with disabilities
- 3. Make WorkNet Portal available in Armenian, Azerbaijani, and Russian, and in means accessible to persons with disabilities.** No later than one calendar year after PforR Effective Date, MOILHSA and SESA will have WorkNet Portal available in Armenian, Azerbaijani, and Russian, and in means in means accessible to persons with disabilities.
- 4. SELFIE tool available in Azerbaijani and Armenian languages.** No later than one calendar year after PforR Effective Date, MOES shall include in the ToR for SELFIE pilot a requirement for the availability in Azerbaijani and Armenian languages.
- 5. Strengthen the existing MOIHLSA, SSA and SESA grievance mechanisms.** No later than 180 days after the PforR Effective Date, MOILHSA, SSA and SESA shall publish grievance mechanism procedures on their websites in Georgian, Armenian, Azerbaijani, and Russian; widely publicize the availability of the grievance mechanism to health, SSA and SESA beneficiaries; and publish annual reports on grievance mechanism implementation including (categories of grievances,

average time to close grievances, percentage of open grievances beyond stipulated timeline for resolution, gender disaggregated data; linguistic minority data). These annual reports shall be submitted to the World Bank.

6. Strengthen the school grievance mechanism so that it is implemented nationwide in accordance with the Code on the Rights of the Child (2019). No later than one year after the Effective Date of the Program, the MOES shall publish detailed grievance mechanism procedures on its website in Georgian, Armenian, Azerbaijani and Russian, and widely publicize the availability of the grievance mechanism in schools in Georgia. MOES shall also publish annual reports on the GM implementation. These reports shall be submitted to the World Bank.

7. Undertake environmental screening of designs for the rehabilitation of school premises and filter out moderate, significant or high-risk civil works. MOES will develop an environmental screening checklist satisfactory to the Bank and will use it for assessing risks associated with the designed rehabilitation of school buildings. Investments with only low environmental risk will be supported by the Program. Higher-risk interventions will not be eligible for including into the Program.

8. Enforce Resolution on the Management of Waste from Electric and Electronic Devices. Ministry of Environmental Protection and Agriculture will monitor attainment of the established targets for the separated collection of various categories of e-waste and use monitoring data for adaptive management and annually report to the World Bank, starting the year of 2023.

9. Adopt and implement the National Accessibility Plan. In agreement with the Code of Spatial Planning, Architecture and Construction Activities, Ministry of Economy and Sustainable Development will develop, and the Government of Georgia will approve the National Accessibility Plan with time-bound actions towards retrofitting of public buildings for universal access and share progress reports with the World Bank starting one year after the Plan approval.

1. Introduction

1.1 Context and Objectives

This **Environmental and Social Systems Assessment (ESSA)** has been prepared by the World Bank in collaboration with the Government of Georgia as part of the preparation for Georgia's Human Capital Program-for-Results (PforR) financing. The Bank will support the implementation of Georgia's Human Capital strategy and reform through this PforR operation in the education, health, and social protection and employment sectors by providing increased efficiency, inclusion, and connectivity in Georgia's human development services.

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- Protect public safety and the safety of workers against the potential risks associated with: (a) construction and/or operation of facilities or other business practices in the program; (b) exposure to toxic chemicals, hazardous wastes, and other dangerous goods under the program; (c) reconstruction or rehabilitation of infrastructure in areas prone to natural hazards.
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The preparation of the ESSA and the development of measures to strengthen the ESMS have benefited from various desk-based reviews and consultative processes, including the following:

- **Review.** The review focused on national legislation and other relevant regulations and policies in the areas of equal opportunity and non-discrimination, education, health, social protection, and environment, with a special focus on identified environmental and social aspects relevant to the Program. These included social inclusion, coverage of identified vulnerable and disadvantaged groups by relevant national laws and challenges in the implementation of these laws, access for vulnerable and disadvantaged groups to services supported by the Program, stakeholder engagement practices and existing grievance redress mechanisms in implementing agencies, accessible and safe environments in educational and healthcare institutions, and the management of medical and e-waste. It also included a review of various international organizations' publicly available reports and relevant Bank studies.
- **Initial stakeholder consultation meetings.** To develop a better understanding of implementation practices, procedures, standards, and the approach for this Program, in the period from June to September 2021, the Bank team carried out meetings with various stakeholders including technical staff in the Ministry of Education and Science (MOES) and the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Affairs (MOILHSA) as well as representatives of other government agencies, including the Social Services Agency (SSA), the State Employment Support Agency (SESA), the Social Protection Policy Division in MOILHSA, the Labor and Employment Policy and Collective Labor Disputes Division in MOILHSA, the National Health Agency (NHA), and the Policy Division in the Agency for IDPs and Eco-Migrants at MOILHSA. Technical staff from other relevant organizations in Georgia were also consulted, including the United Nations Children's Fund (UNICEF) and Save the Children. The Bank team also consulted organizations which directly work with potential Program beneficiaries including GeoWel, and the MacLain Foundation in Georgia. These initial stakeholder consultation meetings informed key ESSA findings, contributed to formulating the ESSA Program Action Plan, and impacted the design of the Program. Further elaboration on these details can be found in the main ESSA report.
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- The Bank will carry out consultations with stakeholders on the draft ESSA report in a series of targeted small on-line meetings in Georgia between December 6 – 15, 2021. The draft ESSA report, including Executive Summary, in both English and Georgian, will be circulated prior to the meetings. Observations from the workshops will be incorporated into the final ESSA report and a complete list of participants and a summary of their comments will be included in Annex 4.
- The final ESSA report will be disclosed in the English and Georgian languages on the external website of the Bank.
- Communities and individuals who believe that they are adversely affected as a result of a Bank supported PforR operation, as defined by the applicable policy and procedures, may submit complaints to the existing program grievance redress mechanism or the Bank's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address pertinent concerns. Affected communities and individuals may

submit their complaint to the Bank's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of the Bank's non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. Information on how to submit complaints to the World Bank's corporate GRS is available at <http://www.worldbank.org/GRS>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

2. Program Description

The Government of Georgia and the Bank are currently engaged in the preparation and development of a new PforR operation (hereinafter Program) with an aim to make the human capital delivery system in Georgia more efficient, inclusive, and connected. The human capital delivery system refers to the financial and administration system of selected education, health, targeted social assistance (TSA), and employment programs as defined in the Program scope.

The Program is focused on a subset of priorities in the Government's Human Capital strategy aimed at addressing challenges in the education, social protection, and health sectors. In particular, the Program proposes to support three main areas (Results areas) in these sectors: (a) efficiency; (b) inclusion; and (c) connectivity. The PforR operation will address key critical human capital issues driven by the following key desired outcomes: improved efficiency and costs of human capital services; improved access to quality services for all Georgians, including the vulnerable, poor and underserved groups like rural populations, low-income groups or minorities; and increased connectivity and digitalization driving greater cost-efficiency and quality in services while improving result orientation and monitoring of 'value for money' through government funding.

The PforR Program is classified under three results areas: efficiency for quality improvements, inclusion, and results orientation through connectivity. The progress toward achieving the Program Development Objective will be measured through six key results indicators:

Human capital delivery system more efficient

- A. Number of schools that meet minimum standards.
- B. Percentage of annual OOP spending on health care that is allocated to medicines.

Human capital delivery system more inclusive

- C. Percentage of TSA benefits going to households in the poorest quintile.
- D. Percentage of medical consultations in the poorest quintile where medicine is prescribed but not purchased because it is too expensive

Human capital delivery system more connected

- E. Increase in human capital system connectivity as measured by the share of teachers using electronic system for recording formative assessment of students.
- F. Increase in human capital system connectivity as measured by the share of vacancies filled through the Worknet job-matching portal.

Within the Government's Human Capital strategy, a set of sub-programs with attendant Disbursement Linked Indicators (DLIs) have been identified from the results areas of efficiency, inclusion, and

connectivity – these constitute the PforR Boundary. The PforR would support the human capital systems to be more **efficient** by reforming the basic functional models that drive the system – the formula for allocation of general education resources; the provider payment model that drives costs in Georgia’s mostly private hospitals; and the proxy means testing formula that determines eligibility for social assistance. The Program is directed at **inclusion** by focusing attention on vulnerable and disadvantaged groups who are beneficiaries of the human capital delivery system whether it is the quality of education for children, health services for people living in remote mountainous areas, or short-term training courses for hard-to-employ youth in rural or urban areas who have not been able to garner experience that typically enhances employability. Finally, the Program focuses on **connectivity** – the enhancement of digital capabilities as well as connectivity of elements in the human capital delivery system.

Table 1: Program Disbursement Linked Indicators (DLIs) and Disbursement Linked Results

Category (including Disbursement Linked Indicator as applicable)	Disbursement Linked Result (as applicable)
DLI 1: Appropriate administrative and financing mechanisms to improve efficiency and quality	DLR 1.1: By June 30, 2022, the Government of Georgia has adopted a Revised General Education Financing Model Resolution satisfactory to the Bank, in accordance with Art. 25(2)(b) of the Law of Georgia on General Education
	DLR 1.2.1: MOILHSA has completed the implementation of the DRG payment system nationwide for at least two service groups in a manner satisfactory to the Bank
	DLR 1.2.2: MOILHSA has completed the implementation of the DRG payment system nationwide for at least five service groups in a manner satisfactory to the Bank
	DLR 1.3: By December 31, 2023, Government of Georgia has adopted regulations to introduce Managed-entry Agreements in a manner satisfactory to the Bank
	DLR 1.4: Managed-entry Agreements signed between the Government of Georgia and market authorization holders for 50 percent of newly assessed single source patented medicines
	DLR 1.5: By December 31, 2023, Government of Georgia has adopted regulations to introduce external reference pricing for the purposes of setting or negotiating prices of publicly financed medicines under the UHC Program
	DLR 1.6: MOILHSA has adopted a ministerial decree to (i) pilot the revised targeting formula used to identify poor families with children and determine eligibility to poverty targeted human capital benefits in selected municipalities by December 2022; (ii) roll it out nationally by December 2024.

	1.7 MOILHSA, through SSA, has completed the digitization of Select Social Benefit Processes to reduce benefit processing time between application and submission of payment orders from five to less than two months and to adapt faster to sudden vulnerability changes
(2) DLI 2: Quality standards for equitable human capital services across all service delivery institutions	DLR 2.1.1: By December 31, 2023, MOES has implemented in 500 High Schools throughout the country the new competency-based curriculum
	DLR 2.1.2: By December 31, 2025, 25 percent reduction in the Unified National Examination test score rural-urban performance gap
	DLR 2.1.3: By June 30, 2023, Pilot of new examination system for transition from High School to University; By June 30, 2025, new examination system implemented nationally
	DLR 2.1.4: By December 31, 2023, MOES have developed a strategy for equitable funding for kindergartens; By June 30, 2025, 200 kindergartens in rural/ mountainous areas, complied with quality standards defined by institutional authorization standards
	DLR 2.2: MOILHSA has adopted national regulation satisfactory to the Bank, to define clinical pathways for at least three selected ambulatory-care sensitive conditions, which may include heart disease, chronic obstructive pulmonary disease, and type 2 diabetes, clarifying the scope of primary and hospital care
	DLR 2.3: MOILHSA has adopted national regulation to scaled-up the revised benefits package and performance-based payment system for selected non-communicable diseases at primary care level
	DLR 2.4: By December 31, 2023, SESA has developed and adopted a methodology satisfactory to the Bank to identify skills in shortage (including skills required in green jobs) and for skills forecasting as a basis used for referrals to vocational training
DLI 3: Inclusion of the poorest and most vulnerable people in social protection services	DLR 3.1: Each Region in Georgia has a SESA office sufficiently staffed and equipped in a manner satisfactory to the Bank in order to increase the coverage of rural jobseekers by at least 10 percent every year and to increase the provision of ALMPs in at least 50% of municipalities in each region
	DLR 3.2: By December 31, 2027, at least 30,000 vulnerable beneficiaries participate in ALMP (scalable)
	DLR 3.3: By December 2023, the new Worknet Job-matching Portal is launched and operational in a manner satisfactory to the Bank to increase the number of vacancies filled from 10 to 50 percent.

DLI 4: Digital provision of human capital services and upgrading of digital administrative and management systems to European/EU standards	DLR 4.1: By December 31, 2024, 1,900 or 90 percent of schools are implementing School Digital Action Plans in a manner satisfactory to the Bank
	DLR 4.2: At least 80 percent of primary care providers have access to electronic health care records
	DLR 4.3: At least 100 PHC and ambulatory care providers offer telemedicine consultations that will be covered under the UHC Program
	DLR 4.4: By December 31, 2025, an Integrated Reporting System for Social Protection established by the IT Agency is operational and generates reports on coverage of social and employment services administered at both central and local levels in order to detect program gaps and overlaps, reduce exclusion and inclusion errors and improve the integration of services/programs

While this ESSA covers all areas of the PforR, it is mainly concerned with the area of inclusion vulnerable and disadvantaged groups and issues around rehabilitation works.

2.1 Scope of the Program

The Program activities will cover the entire territory of the Georgia and are national in scope. The Program supported activities will not be implemented in the Autonomous Republic of Abkhazia, and several municipalities of Shida Kartli, which do not currently fall under the de facto jurisdiction of the national Government of Georgia. The Program will target 500 schools in Georgia, 95 percent of primary care providers, and will aim to provide targeted social assistance to 123,000 households and about 565,000 children. While the Program may support rehabilitation works in schools and social protection agencies to improve and modernize the learning environment for pupils and enhance user-friendliness of social service delivery agencies, it will not support any new construction. All physical works will be undertaken within the perimeters of existing facilities.

The key implementing agencies are the Ministry of Finance (MOF), which leads the Human Capital agenda and roadmap of reforms, in close coordination with the Ministry of Education and Science (MOES) and the MOILHSA. General Education is managed directly by MOES while local governments have responsibility for preschool education. Within , the SSA is responsible for the administration and delivery of Georgia’s social assistance, health, and pensions, while the SESA, established in 2019, is responsible for the implementation of employment programs.

2.2 Beneficiaries of the Program

The end beneficiaries are the pupils, patients, and social protection beneficiaries in Georgia. The general objective of human capital reform is to provide high-quality services to citizens and boost Georgia’s human capital. In the long run, the proposed PforR will contribute to the Government’s long-term objective for human capital to be the key driver of economic growth.

3. Anticipated Environmental and Social Effects of the Program

Program activities are designed to strengthen the overall delivery of human capital services (education, health, and social protection) with a special focus on expanding service access to vulnerable and disadvantaged persons and families. Therefore, the overall impact of Program-supported activities is expected to be beneficial. The Program will not fund any activities involving high or substantial environmental or social risks, such as extensive land expropriation, relocation of large numbers of people, heavy pollution, significant transformation of the natural environment, or activities that pose a threat to the health and safety of workers and communities. The Program may finance small-scale physical works for the rehabilitation of school premises and offices of social protection agencies. Environmental risks of such interventions are expected to be minimal, temporary, confined to worksites and easy to mitigate by adhering to the general good construction practice. Occupation health and safety risks of labor force to be deployed for the provision of rehabilitation works are also low, because most part of works will be undertaken in the interiors of buildings, no heavy machinery will be used, and no works at high elevations or deep excavations will be required. Disciplined use of personal protection equipment, adherence to construction equipment user guides, and due caution during works on electric wiring will suffice for minimizing likelihood of worksite accidents. The Program's social risk is assessed as Moderate, and Environmental risk as Low. The environmental and social risk classification justification is elaborated on in dedicated sections below. Overall, the Program's social and environmental risks will be manageable by adherence to the national regulatory framework and the implementation of the activities included under the DLIs.

3.1 Main Social Effects of the Program

The overall objective of Program-financed activities is to make the human capital delivery system in Georgia more efficient, inclusive, and connected. The activities financed under the Program will not include any civil works which require land acquisition or the relocation of people, initiate a labor influx, or cause adverse impacts on communities. The Program is expected to create a wide range of social benefits and improved coverage for vulnerable and disadvantaged groups within education, healthcare, and employment services as well as leverage digital technology for better connectivity and integration. The Program is not anticipated to cause adverse effects on gender, vulnerable and disadvantaged groups, poverty, and equity. Actually, the Program intends to address some of these inequities. It is anticipated that the Program will strengthen the delivery system's reach to end beneficiaries, ensuring access to human capital services and benefits for vulnerable and disadvantaged persons and families. Thus, the Program will contribute to bolstering Georgia's overall human capital capacity.

Social inclusion, public participation, and consultations with beneficiaries are part of the Program design. Under DLI 1, the planned activities include public consultations to ensure that student interests are safeguarded and that there will be community ownership of decisions regarding the locations of hub secondary schools. Consultations will also be carried out to ensure adequate provision for access to children with special needs. The hub schools will be better resourced and provide better learning outcomes for pupils. Under DLI 4, the Program will consult job seekers and employers to revamp Worknet (the SESA jobs portal and information system). Under DLI 2, students, teachers, and school leaders will be actively engaged as a part of the Self-reflection on Effective Learning by Fostering the use of Innovative Educational Technologies (SELFIE) pilot.

Program design also focuses on gender imbalances. Under DLI 2, as part of the curriculum reform, new secondary education curricula will be developed in collaboration with local gender-focused civil society organizations (CSOs) and UN Women to ensure the integration of gender perspectives and the exclusion of gender stereotypes.

The Program will not finance any activities that will require the acquisition or conversion of land or the restriction of access to resources. The Program will not involve any activities which may risk exploiting children and/or forced labor. While the Program may support minor rehabilitation and retrofitting works in existing schools to modernize learning environment, and in the existing buildings which house social protection agencies, it is anticipated that such works will not cause significant health and safety issues for workers and communities, and these impacts can be managed with standard mitigation measures. All rehabilitation works will take place within the perimeters of existing buildings. These risks and impacts will be further elaborated in the environmental sections of ESSA.

However, there may be residual social risks associated with the adequacy of targeting all eligible vulnerable and disadvantaged groups, thus leading to the potential exclusion of certain eligible beneficiaries from the Program benefits. These residual risks of potential social exclusion from the Program benefits can be associated with the Results Area 1: Efficiency for quality improvement, and Results Area 2: Inclusion - Inclusion of all groups to access good quality human development services from the Program. Risks associated with ensuring inclusion in the Program's benefits are likely to be associated with the implementing agencies' implementation practices and their capacity to target and provide services to vulnerable and disadvantaged groups. In addition, experience with projects in Georgia has indicated that stakeholder engagement of vulnerable and disadvantaged groups was often not adequate. However, these performance gaps will be addressed through the systems strengthening measures proposed in the ESSA Program Action Plan and Program design. **Therefore, the overall social risk of the Program is assessed to be Moderate.**

The main social risks associated with the Program are related to ESSA Core Principle #5 with special regard to vulnerable and disadvantaged groups' access to and inclusion in Program activities. The vulnerable and disadvantaged groups may include: persons from rural or high mountainous regions, internally displaced persons (IDPs), persons with disabilities (PWDs), children with disabilities (CWDs) and/or with other special education needs, ethnic and linguistic minorities, women and girls, unemployed/hard-to-employ persons, youth who are not in education, employment or training (NEET), those without internet/device connections, and the poor, especially those persons or families who have lower education levels, nutrition and health outcomes.

Experience with projects in Georgia indicates that there may be a risk of inadequate stakeholder engagement with vulnerable and disadvantaged groups due to a lack of tailored outreach efforts presenting sufficient information in an accessible manner and a lack of functional grievance redress systems.² At present, the SELFIE tool, which will be piloted under the Program, and Worknet portal, which will be modernized under the Program, are not available in the languages of minorities such as Azerbaijani and Armenian. The application process for the Targeted Social Assistance is also only available in Georgian. Lastly, even though the government has enabled televised distance learning during the COVID-19 pandemic, at least 20 percent of children don't have internet access to attend online education.

² World Bank. 2020a. *Analysis of Gaps between National Legislation of Georgia and World Bank Environmental and Social Framework*. World Bank, Washington, D.C.

The use and handling of personal data is not anticipated to be a risk within the scope of the Program. Personal data to be collected under the activities financed by the Program will be used and managed in line with the national law on personal data protection.

Table 2 summarizes the risks related to the Program’s social effects according to the [Bank Policy Program-for-Results Financing](#).

Table 1. Social Risks and Impacts

Impacts	Assessment	Risk	Mitigation
Involuntary resettlement	The Program will not involve any major civil works or private land acquisition; therefore, no involuntary resettlement will occur under the Program.	Null	NA
Forced expropriation of land and private property	The Program will not involve any major civil works or private land acquisition; therefore, no expropriation or forced acquisition of private property will occur under the Program.	Null	NA
Restricted access to goods, services, natural resources and loss of income	The Program will not involve any major civil works; therefore, no restricted access to goods, services, or natural resources will occur under the Program.	Null	NA
Child and forced labor	The Program will not involve any activities which may risk the use of child or forced labor.	Null	NA
Inadequate equitable access to Program benefits by vulnerable and disadvantaged groups	The Program design is based on the principle of social inclusion and specifically focuses on expanding the coverage of vulnerable and disadvantaged groups with access to social, health, and education services. However, experience indicates that the government’s efforts to cover all eligible vulnerable and disadvantaged groups sometimes fall short. This is mainly caused by the responsible agencies’ lack of capacity and lack of necessary resources to target all groups.	Medium	MOES and MOILHSA will prepare and implement Protocols to reach out to and explain available Program benefits to vulnerable and disadvantaged groups. These Protocols will be available in

			minority languages, and in a form accessible to persons with disabilities.
Avoid exacerbating social conflicts, especially in fragile states, post-conflict areas, or areas subject to territorial disputes	Georgia is not considered a fragile state or a post-conflict zone. Therefore, this core principle is not applicable to the Program.	Null	NA

This ESSA assesses the adequacy of the country’s social management system in relation to inclusion issues for relevant vulnerable and disadvantaged groups in Program benefits as well as select environmental issues relevant for the specific activities under the Program.

3.2 Main Environmental Effects of the Program

The Program will not create an additional environmental footprint as it supports neither construction of new infrastructure nor the extraction of natural resources. It does not include any activities that may lead to heavy emissions or the discharge and generation of large volumes of waste.

Environmental risks of the Program are assessed to be low. The Program aims to narrow the gap in the quality of teaching and in learning outcomes between urban and rural schools, with particular emphasis on secondary education. The creation of an accessible and safe schooling environment will be an integral part of this effort. National regulations include both building safety guidelines and standards of universal access. However, much effort is required for retrofitting existing sub-standard school buildings nationwide, especially in rural areas. The Program may finance small-scale physical works for the rehabilitation of school premises and offices of social protection agencies. Environmental risks of such interventions are expected to be minimal, temporary, confined to worksites and easy to mitigate by adhering to the general good construction practice. Rehabilitation of old buildings may generate small amounts of asbestos-containing construction waste. National regulations carry clear provisions on the disposal of this type of hazardous waste. It will be packed as prescribed, transported to the nearest landfill operated by the State-owned Solid Waste Management Company of Georgia, and deposited according to the established specifications.

Occupational health and safety risks of labor delivering construction works during rehabilitation of schools and public offices are low, because works will be small-scale, undertaken mostly in the interiors of the existing buildings, and without use of heavy-duty machinery. No activities at high elevations or deep excavations will be required either. Likelihood of worksite accidents will be kept at minimum by regular use of personal protection gear, adherence to the guidelines of operating construction machinery, and observing safety rules while working with electric devices and wiring. Labor Inspection Service under MOILHSA is mandated to ensure due application of labor norms through conducting on-site inspections, providing advice and guidance on achieving compliance with the established rules, and handling complaints on their possible violation. All legal entities, including companies providing construction

services, are required to have a designated occupational health and safety professional either on staff or on advisory contract depending on the scope of activity and number of personnel employed.

The Program promotes the use of new technologies and digitalization in public service delivery that is likely to cause an increase in the stream of e-waste in the medium- to long-term. Enhancement of Georgia’s waste management system through the enforcement of extended producer responsibility and the provision of incentives for the separation, reuse, and recycling of waste will mitigate this risk.

Table 2. Environmental Risks and Impacts

Impacts	Assessment	Risk	Mitigation
Disturbance or damage of habitats, biodiversity, or cultural resources	None of the Program activities have the potential to directly or indirectly affect natural or critical habitats and tangible or intangible cultural resources.	Null	NA
Large use of land, water, energy and other natural resources	The Program will not support civil works, operation of industrial facilities, or natural resource extraction.	Null	NA
Environment pollution from heavy emissions, discharges and solid waste	The Program will not support any activities causing environmental pollution with heavy emissions, liquid discharges, or large amounts of solid waste. However, the Program is aimed at digitalizing an increasing number of public services, which, in time, will result in growing volumes of e-waste. Without improvements in the national system of solid waste management, accumulation of e-waste may result in negative impacts on human and environmental health.	Low	Improve e-waste management by promoting the circular economy, enforcing producers’ extended responsibility, and strengthening waste handling infrastructure
Threat to the health and safety of workers and communities	The Program implementation will not imply exposure to toxic chemicals, generation of hazardous waste or other otherwise threaten health and safety of workers and communities. Certain risk of worksite occupation health and safety incidents/accidents is associated with physical works for the rehabilitation of school buildings. In case works will be undertaken while	Low	Follow good construction practice and strictly adhere to the national regulations on safety of labor during conduct of school building

	school premises remain under operation, nuisance to the teaching process as well as negative impacts on students' and teachers' health may occur in case of unsafe and careless housekeeping at worksite.		rehabilitation works
Shortfalls in the provision of universal access and safe learning environment at rural schools.	The creation of favorable learning environment in mountainous and other remote areas will require provisions for universally accessible and safe premises. The Program will not finance any civil works for upgrading or retrofitting public buildings, but failure to do so by the Government may pose a certain risk to the achievement of the Program outcomes.	Low	Develop and implement a National Plan of Accessibility for gradual retrofitting of the existing public buildings and adhere to accessibility and safety regulations while construction of new school buildings nationwide.

3.3 Previous Experience of Institutions Involved in the Program Institutions involved in the Program have a history of collaboration with the Bank. Currently, the MOES and the Municipal Development Fund of Georgia under the Ministry of Regional Development and Infrastructure are implementing the Innovation, Inclusion, and Quality Project (P168481), which has satisfactory environmental and social (E&S) performance under old safeguards policies. In addition, MOILHSA is implementing the Emergency COVID-19 Response Project (P173911), which also has satisfactory E&S performance under the Environmental and Social Framework of the World Bank (ESF). Project Implementing Units (PIUs) housed within these three State agencies have E&S specialists on board. However, this Program will be the first PforR operation implemented in Georgia, and the Borrower does not have experience with this type of Bank lending instrument. To effectively manage the environmental and social effects of this large Program and oversee the implementation of the ESSA Program Action Plan, the Program Coordination Unit, to be housed in the MoF, will need to hire dedicated environmental and social specialists.

4. Assessment of Borrower's Environmental and Social Management Systems

The Program will rely on the Borrower's ESMS to ensure that any potential adverse environmental and social impacts are adequately identified, avoided, or mitigated. The ESMS aims at preventing and mitigating potential negative effects from the Program activities on the population and environment, including:

- Potential unequitable access of vulnerable and disadvantaged groups to Program benefits;

- Potential lack of consultations with vulnerable and disadvantaged groups and grievance management;
- Underdeveloped mechanisms and infrastructure for waste management;
- Potential impacts on the health and safety of workers and communities as a result of retrofitting and rehabilitation works;
- Shortfalls in the provision of universal access and proper sanitation in rural schools.

The ESMS includes the following:

- Regulatory and legislative framework;
- Institutional arrangements and institutional capacity to identify environmental and social risks, and to implement, monitor, and follow up on the evaluation of mitigation actions;
- Grievance mechanisms including the procedures and tools for affected people to resolve disputes;
- Monitoring and evaluation.

It is the responsibility of the Borrower to implement the ESMS and ensure compliance with the proposed mitigation actions.

Table 4 summarizes the assessment of the consistency of the Borrower’s ESMS with Core Principles in the PforR Policy.

Table 4. Assessment of the consistency of the Borrower’s ESMS with Core Principles in the PforR Policy

Core Principle	Consistency with Borrower’s ESMS and main gaps
<p>1. Program E&S management systems are designed to (a) promote E&S sustainability in the Program design; (b) avoid, minimize, or mitigate adverse impacts; and (c) promote informed decision-making relating to a Program’s E&S effects.</p>	<p>The Environmental Assessment (EA) Code of Georgia provides a general framework for environmental management in the country. To a lesser extent, it covers social aspects too. The Code follows the main principles of the EU and good international practice. Hence, it is aimed at promoting sustainable development and public participation in decision-making. The EA Code requires screening, scoping, avoiding, minimizing, and mitigating adverse E&S impacts of the proposed activities as well as compensating for the residual impacts.</p> <p>Georgia’s national legislation does not require social assessment of proposed projects. Laws that guide and prevent potential social impacts from proposed projects are summarized under the Core Principle 5 section.</p>

<p>2. Program E&S management systems are designed to avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the Program. Program activities that involve the significant conversion or degradation of critical natural habitats or critical physical cultural heritage are not eligible for PforR financing.</p>	<p>This Core Principle is not relevant for this PforR. The Program will not involve activities which may have impacts on natural habitats and physical cultural resources.</p>
<p>3. Program E&S management systems are designed to protect public and worker safety against the potential risks associated with (a) the construction and/or operation of facilities or other operational practices under the Program; (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials under the Program; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.</p>	<p>This Core Principle is relevant for this PforR. While the Program activities do not support construction of new buildings, it may support rehabilitation and retrofitting of school premises.</p>
<p>4. Program E&S systems manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement and assists affected people in improving, or at the minimum restoring, their livelihoods and living standards.</p>	<p>This Core Principle is not relevant for the Program. The Program will not include any activities which may require land acquisition or cause loss of access to natural resources</p>
<p>5. Program E&S systems give due consideration to the cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the rights and interests of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, and to the needs or concerns of vulnerable and disadvantaged groups.</p>	<p>Georgia’s national legislation does not require social assessments of proposed projects. Neither the EA Code nor any other law in Georgia mandates the social assessment of strategic documents or activities, and there are no differentiated measures to ensure that adverse impacts neither fall disproportionately on the vulnerable and disadvantaged nor that they share in the development benefits and opportunities resulting from the project. Instead, Georgia relies on laws and policies to guide and prevent potential social impact in proposed projects.</p> <p>Although protection of vulnerable and disadvantaged groups is not coordinated in a comprehensive manner under any particular law or policy, many of Georgia’s laws do aim to protect</p>

	<p>them. Three laws in particular address equal rights for Georgians and are relevant for ensuring equal access to Program benefits for certain vulnerable and disadvantaged groups. These laws are: The Law of Georgia on Gender Equality, The Law of Georgia on the Elimination of All Forms of Discrimination, and The Law of Georgia on the Rights of Persons with Disabilities. While these laws are aligned with international conventions, there is room for improvement in enforcement, implementation, and monitoring.</p> <p>The laws address the needs of persons with disabilities (PWDs) during the design and construction of social facilities and infrastructure. In addition, a set of recently issued secondary legislation provides detailed requirements on universal access. In sum, the regulatory framework for ensuring safety and accessibility in school buildings is in place and sufficient; the anticipated challenges are enforcement, capacity, and affordability.</p>
<p>6. Program E&S systems avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.</p>	<p>This Core Principle is not relevant for the Program. The activities shall not take place in a fragile state or in areas subject to territorial disputes.</p>

4.1 Overview of the Social Legal Framework

This section provides a summary of the main relevant laws, regulations, and international agreements and conventions for each of the Program’s areas: education, health, social protection and employment as well as for social inclusion issues and personal data protection and prevention of gender-based violence. A detailed overview of the laws and regulations is provided in Annexes 1 and 2.

Social rights, including non-discrimination and equal access to education, health care, social protection, and work are guaranteed by the Constitution. Georgia has a comprehensive set of laws and regulations which regulate the rights and social inclusion of vulnerable and disadvantaged groups in accessing health, education, social protections, and employment. However, the implementation and enforcement of these laws remains uneven, partly due to the capacities of line ministries to monitor the implementation.

Georgia has made progress on environmental and social sustainability but still has room to grow. Georgia does not currently require social assessments of proposed projects. Neither the EA Code nor any other law in Georgia mandates the social assessment of strategic documents or activities, and there are no differentiated measures to ensure that adverse impacts neither fall disproportionately on the

vulnerable and disadvantaged nor that they share in the development benefits and opportunities resulting from the project. Instead, Georgia relies on laws and policies to guide and prevent potential social impact in proposed projects.³ Although Georgia's protection of vulnerable and disadvantaged groups is not coordinated in a comprehensive approach to social policy, many of Georgia's laws do aim to protect them. Three laws in particular address equal rights for Georgians and are relevant for ensuring equal access to Program benefits of certain vulnerable and disadvantaged groups. These laws are: The Law of Georgia on Gender Equality (2010), The Law of Georgia on the Rights of Persons with Disabilities (2020), and The Law of Georgia on the Elimination of All Forms of Discrimination (2014).

Law of Georgia on Gender Equality (2010) aims to ensure there is no gender discrimination in public life and to prevent and eliminate any discrimination. This law states that both males and females shall have equal access to and free choice of education at any education level, equal social security in cases of illness, equal opportunities to receive health care, and equal access to information. The law also defines municipal roles in detecting local gender discrimination and the role of the public defender in monitoring the protection of gender equality and responding to violations.

Law of Georgia on the Rights of Persons with Disabilities (2020) defines the basic principles and mechanisms of accessibility for PWDs so that they can participate fully and equally in daily life. This law includes the right to equality and the right to be treated with dignity, paying special attention to women, girls, and children. The law also ensures PWDs have the right to education, calling on municipalities to ensure early education access, and the MOES to ensure inclusive education for all levels through vocational education. The law also calls on the state to ensure continuing education for PWDs as well as standards for education personnel working with PWDs. Additionally, this law allows PWDs to have personal assistants, who may also assist PWDs with obtaining education. In 2021, the MOES developed a program of sign language interpreters. In addition, the law requires the consideration of the needs of PWDs when designing and constructing social infrastructure facilities; it also provides for social assistance in the form of financial support (pensions, allowances, etc.) as well as in the form of various technical means, such as aid devices to address disabilities and enable access to the public sphere. This law also aims to ensure PWDs' protection from exploitation, violence, and degradation, especially women and children, and to ensure that those exposed to exploitation, violence, or abuse have access to physical rehabilitation and psychological integration programs. The law also calls on the State to ensure the introduction of an accessible and qualitatively inclusive education system that will allow PWDs to obtain continuing education, develop their personality and creative skills, and realize their mental and physical abilities, including access to technical and vocational orientation programs as well as vocational and continuing education programs.

Law of Georgia on the Elimination of All Forms of Discrimination (2014) is aimed at eradicating all forms of discrimination and ensuring equal rights for all legal and natural persons living in Georgia, as long as no provisions restrict the Constitution of Georgia or the Constitutional Agreement between the State and the Autocephalous Orthodox Church of Georgia. This law prohibits discriminating on the basis of race, skin color, language, sex, age, citizenship, place of birth or origin, property or social status, health, disability, sexual orientation, gender identity, political opinions, religion, ethnic or social origin, profession, marital status. In addition, the law clarifies the role of the public defender in monitoring issues related to eliminating discrimination and ensuring equality. The law also outlines provisions for a special report on combatting and preventing discrimination as well as on the state of equality in Georgia.

³ World Bank, 2020a.

Georgia has also made strides to provide personal data protection to its citizens in line with international standards. According to Annex 1 of the EU-Georgia Association Agreement, Georgia had an obligation to adopt a personal data protection law in line with EU's Data Protection Directive 95/46/EC. Georgia has been in line with personal data protection principles since 2011. The main law which ensures data protection and data processing is the **Law of Georgia on Personal Data Protection**, dated December 28, 2011. In addition, other normative acts such as the [Law of Georgia on State Inspector Service \(N3273-RS, 21.07.2018\)](#) and the Resolution of the Government of Georgia on the Approval of the Regulations on the Activities of the Personal Data Protection Inspector and the Rule of Exercising the Power by Him/Her (N180, 19.07.2013) contribute to the overall regulatory framework for data protection in Georgia. From 2012 to 2019, Georgia made a number of changes in its Private Data Protection Law (2012), including instituting the State Inspector's Service. In 2018, the EU enforced the General Data Protection Regulation (GDPR), which superseded the Data Protection Directive 95/46/EC. The GDPR's primary aim is to enhance individuals' control and rights over their personal data and to simplify the regulatory environment for international business. In 2018-2019, the State Inspector's Service of Georgia developed a new draft law "On Personal Data Protection" and other associated legislative changes, with support from the EU and UN. As a result, a new draft law has been initiated and submitted the Parliament of Georgia. However, the legislative process was delayed, and the new updated law still has not been adopted.

In the current version of the Private Data Protection Law, if an individual's personal data is publicly available, then a third party can process it without the individual's consent. However, if data is incomplete, inaccurate, or obtained through illegal means, then the data processing party must delete, update, or modify the data in accordance with the request from the individual in question. The new proposed law has stricter requirements. The existing law also defines the grounds for data processing, such as the necessity for the important public good or public availability of data. The law doesn't currently require organizations to have a personal data protection officer. The current law also doesn't have a requirement to notify the State Inspector's Service on personal data violation incidents.

World Bank financed projects in Georgia have been implemented in line with national law on data protection.

Georgia has a number of laws regulating gender-based violence, including sexual harassment. Georgia is the state party or signatory to key international instruments on protecting women from violence, including the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, the Convention on the Rights of the Child (1994), and the Beijing Declaration and Platform for Action (1995). Georgia ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention in 2017, which entered into force in the country in 2018). The Law on Eradication of Violence Against Women and Domestic Violence, Protection, and Assistance of Victims of Violence (2017) defines and addresses acts of domestic violence and/or violence against women that can take place in the public and/or private realm. It includes measures on the prevention of domestic violence and violence against women as well as special measures for protecting children from domestic violence. In addition, it includes measures related to the rights of victims, including social protection and measures targeting correcting the behavior of perpetrators.

The Labor Code, the Law on Public Defender, the Administrative Offenses Code, and the Civil Procedural Code of Georgia regulate different aspects of sexual harassment and include a definition of sexual violence as well as administrative penalties (financial fines and correction work for perpetrators) for

such offenses. The Public Defender is mandated to receive and examine alleged cases of sexual harassment, seek explanations from employers, issue recommendations, and refer the cases to court. The Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence is the main accountability mechanism for planning, developing, and implementing the corresponding national action plans on violence against women.

Overview of Relevant Laws and Regulations in the Area of Education

This section presents the main laws in the area of education with a focus on social inclusion issues. A detailed overview of relevant laws in the area of education is included in Annex 1.

The Government of Georgia is a signatory to European Union and United Nations Conventions related to Education, Child Rights, and Inclusion. The Government has signed onto a number of European Union (EU) and United Nations (UN) Conventions, including The EU Convention on the Protection of National Minorities, CEDAW, The Convention on the Rights of the Child, and the United Nations Convention on the Rights of Persons with Disabilities.

Law of Georgia on General Education (2005) is the overarching law regulating general education in Georgia, the conditions for general education activities, the principles and procedures for managing and funding general education, the status of education institutions, and the conditions and procedures for implementing teaching activities in general education. The law guarantees general education access for all pupils in the student's native language and as close to the student's residence as possible. Primary and basic education are mandatory for all. The law also states that education may not discriminate against pupils, teachers, parents, or their associations, that schools shall protect the individual and collective rights of minorities to freely use their native language and preserve and manifest their cultural affiliations, and that the language of education instruction is Georgian, except in the following cases: a) in the Autonomous Republic of Abkhazia, where instruction may be held in Georgian or Abkhazian, and b) among students who don't speak Georgian; they may receive a complete education in their native language in accordance with the National Curriculum. Finally, this law makes provisions for educating students who may benefit from learning accommodation. It includes the right to inclusive education for students with learning challenges. It also allows MOES to find alternative methods of education for students who may need it based on age, work, family conditions, or criminal proceedings, and the law provides for supplemental funding for those who cannot complete basic education in twelve years.

The general education law also makes provisions for preserving students' cultural heritage. Article 13, *Neutrality and Non-Discrimination*, states that the education process may not be politicized, include proselytizing, or discriminating against pupils, teachers, parents, or their associations. It also states that schools shall protect the individual and collective rights of minorities to freely use their native language and to preserve and manifest their cultural affiliation on the basis of equality.

The Code on the Rights of a Child (2019) aims to ensure child welfare by supporting the Constitution of Georgia, the Convention on the Rights of the Child, and additional protocols and recognized international legal acts. It includes the rights of all children to education, the preservation of their first language and culture in education, and the right to an independent grievance redress mechanism. Article 10 defines the right of the child to education, including the right to obtain and receive equal access to high-quality

inclusive education for all children. Chapter 5 articulates this right in detail by outlining the right of a child to receive education, including the facilitation of returning a child to school who had formerly left (Article 35), the goals of childhood education, including respect for homeland, native language, traditional culture in the native country and different cultures and civilizations (Article 36), inclusive education and support programs (Article 37), inadmissibility of violence against the child in education (Article 38), the right to an independence grievance mechanism (Article 39), and the prohibition on providing hazardous information to a child (Article 40).

Law of Georgia on Vocational Education (2007) seeks to promote economic development, facilitate social inclusion, and lifelong learning. This law aims to make Georgian vocational education compatible with the European system, provide individually tailored learning processes and special education services, allow for teaching in Abkhazian in the Autonomous Republic of Abkhazia as well as other languages if agreed with the MOES, and make provisions for sign language and Braille teaching. This law defines the legal framework for Georgia's vocational education system, which seeks to promote the development of the country's economy, facilitate social inclusion and the personal and professional development of an individual as well as lifelong learning, and make the system compatible with the single European educational area (Article 1) including equality for everyone (Article 2). The law also provides for individually tailored learning processes and special education services, including for those with special needs and disabilities (Article 4). Article 14 also provides for the teaching of an official language for the purpose of mastering a vocational education program. Eligibility for an official language training program is determined by the MOES.

Law of Georgia on Early and Preschool Education (2015) sets out the legal grounds for universal access, quality assurance, organizational structures, rules of operation, authorization, responsibilities of the State, responsibilities of the municipalities, and the financing of early and preschool education.

Law of Georgia on Education Quality Improvement (2010) defines the legal framework for the mechanisms, which implement education quality improvement. The NCEQE a LEPL under the MOES (Article 3), facilitates quality improvement, through both external mechanisms (authorization and accreditation) and internal mechanisms (applied by education institutions as directed by Georgian law) (Article 2). The accreditation and authorization include both programs for teacher training and Georgian language training.

Law of Georgia on the Development of High Mountainous Regions (2015) determines benefits for encouraging social and economic progress in the high mountainous regions as guaranteed by the Constitution of Georgia. Article 2 includes provisions for remuneration bonuses paid to teachers who teach in general and vocational education settings in these regions as well as increased voucher amounts for students in these regions who attend public schools, multi-sectoral public schools, or vocational education institutions. The law provides for benefits that ensure standards of living, promote employment, and raise social and economic conditions for the mountainous population. Article 4 determines different benefit allowances for permanent residents, a status conferred by local municipalities. Additional benefits are granted for the elderly receiving a state pension (20 percent), medical personnel, the payment of seasonal (usually winter) utility payments, the birth of a first or second child (GEL 100/child for one year), the birth of a third child or additional children (GEL 200/child for two years), and school vouchers.

Law of Georgia on Internally Displaced Person from the Occupied Territories of Georgia (2014) determines the legal status of an IDP, the inadmissibility of discriminating against IDPs, and IDPs' right to education and finances for general education.

Decree on Inclusive Education (No. 16/n dated 21 February 2018) builds on the General Education law to expand the scope of inclusive education. It outlines the rules for the introduction, development, and monitoring of inclusive education and develops a mechanism for identifying students with special educational needs, even before beginning general education. This law also provides for an interpreter to work with a multidisciplinary team if the student does not speak the state language (Article 14) as well as the provision for a sign language interpreter for the hearing impaired (Article 29).

Decree on Out-of-School Children (No. 573 dated 10 September 2020) is aimed at identifying out-of-school children in Georgia, including whether they have been subject to violence. The order directs relevant agencies to create an inter-agency database for identifying and registering out-of-school children. It also calls for a mechanism to include out-of-school children in formal education, including but not limited to special education services, social support programs, transition programs, etc.

Government Ordinance No. 66 Standards of Childcare (2014, last amended on December 31, 2019) regulates sexual harassment issues in school accommodation facilities. Specifically, Standard 11 on protection from violence includes sexual harassment issues as well. The standard obliges an accommodation service provider to follow the relevant national legislation, including the *Law on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence* (last amended in July 2020), and the *2016 Government Ordinance No. 437 on Adoption of the Procedures of the Reference System for Child Protection (last amended in February 2020)*. The standard also obliges the service provider to have internal guidelines and procedures in place and to log all potential cases. Standard 10 specifies a grievance redress mechanism and procedures.

A summary of this legislation's relevance for specific vulnerable and disadvantaged groups in the area of education is presented in Box 1.

Box 1. Application of Education Legislation to Vulnerable and Disadvantaged Groups and Implementation Challenges

Linguistic and Ethnic Minorities

Linguistic and ethnic minorities make up nearly 14 percent of the population.⁴ The Law of Georgia on General Education ensures these students may receive a full general education in their first language if their parents choose. In addition, the National Concept for Tolerance and Civic Integration contains an accompanying action plan with corresponding activities aimed at educational inclusion for ethnic and linguistic minorities, including reports on annual activities. In addition, government programs aimed at assisting non-Georgian general education students who want to learn Georgian with language training include Teach for Georgia, Teaching for Future Success, etc. Finally, students who finish general education in their first language and want to attend university at a Georgian university are eligible for a year of Georgian language training before beginning university if they pass the General Skills university entrance exam.

⁴ World Bank. 2017. Social Exclusion and Inclusion in Georgia: A Country Social Analysis. World Bank, Washington, D.C.

However, implementation challenges exist. Inclusive education assessments for linguistic minority students are not fully available in relevant non-Georgian languages,⁵ and digital programs used by the MOES may not always be offered in non-Georgian languages. For example, SELFIE is available in Georgian and Russian, but not in Armenian and Azerbaijani languages. Linguistic minority students consistently score below students whose primary language is also the state language. Inclusive education monitoring set forth in Decree No 16/n has not taken place.

Children with Disabilities (CWDs)

The Law of Georgia on General Education assures CWDs access to inclusive education after identification and registration with the MOES and evaluation by a multidisciplinary team. Since 2009, the MOES has been developing and updating a program to make education more inclusive; it recently issued a decree on inclusive education augmenting the MOES approach to inclusive education, including provisions for language assistance for non-Georgian speakers as well as additional monitoring and evaluation. The MOES also reported that a new inclusive strategy is currently in process. However, the inclusive education monitoring described in the recent Decree has not taken place.⁶ In addition, the delivery of the decree's specialized teacher status has been delayed due to an incomplete test for the relevant teacher scheme. Additional assistance for schools is reported to be one-size-fits-all and not address the different intervention levels needed for CWDs based on their individual diagnoses. Stakeholders reported that the increased number of registered CWDs for inclusive education creates a multidisciplinary team to child ratio that is so high that team members have trouble following through on commitments due to a lack of specialists. In addition, only a fraction of schools have identified children who may qualify for inclusive education, including a much lower percentage of the total student population as compared to rates of identified students in the U.S. and Europe.

In addition, adapting learning plans to online education during COVID-19 pandemic revealed enormous gaps in online inclusive education.

Girls and Boys

Georgia has achieved nearly universal primary school enrollment at 97 percent. In both primary and secondary education, girls are more likely than boys to be enrolled. This is true across many demographic groups, with the exception of the Azerbaijani community, where girls are 10 percent less likely to complete secondary education. Georgia also has one of the highest child marriage rates in Europe and Central Asia, where 14 percent of Georgian women marry before the age of 18 years.⁷

High Mountainous Regions

The Law of Georgia on general education assures students from these regions the right to education regardless of distance. The Law of Georgia on the Development of High Mountainous Regions provides additional voucher funding for each student attending a school in one of the regions.

⁵ A lack of textbooks in minority languages for some schools were noted by stakeholders and desk review (World Bank, 2017 and Li, Richard Ruochen, Hannah Kitchen, Bert George, Mary Richardson, and Elizabeth Fordham. 2019. "OECD Reviews of Evaluation and Assessment in Education: Georgia." OECD Reviews of Evaluation and Assessment in Education. OECD Publishing, Paris.

⁶ Office of the Public Defender of Georgia. 2019. "Inclusive Education in Pilot Public Schools Monitoring Report." <https://www.ombudsman.ge/res/docs/2019062019103121729.pdf>.

⁷ UNICEF. 2019b. Georgia Child Marriage 2018. Georgia Multiple Indicator Cluster Survey (MICS) Snapshot. https://www.unicef.org/georgia/sites/unicef.org.georgia/files/2019-11/child_marriage_en.pdf

However, educational achievement among these students remains low, and there are ongoing concerns about the quality of education. Students from these regions often have access to smaller schools, fewer education resources, less digital connectivity, and must travel further to school, often over difficult terrain.

Rural Regions

Like those living in high mountainous regions, The Law of Georgia on General Education assures these students the right to education regardless of distance. Under the Action Plan for Georgia's Rural Development Strategy, the government has been providing transportation for public school students to ensure they reach school regardless of the distance between their home and school. In addition, internet connectivity has also been provided for select schools, as well as psycho-social services to students and parents who choose to take advantage of the service. However, students from these regions often have access to smaller schools, fewer education resources, and less digital connectivity.

Internally Displaced Persons (IDPs)

The Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia assures IDP students the right to education. However, their educational outcomes are consistently lower than average.

Children Without Internet/Device Connections

After the COVID-19 pandemic erupted in Georgia, the government updated the article in distance learning in the Law on General Education. The MOES responded to the COVID-19 crisis by launching Teleskola (televised school) in order to make required lessons in grades 1-12 available to everyone regardless of internet connection. In addition, the MOES created Microsoft Office 365 accounts for 600,000 Georgian school students, gave all students access to Microsoft Teams, and offered parents access to a digital education portal in order to access their children's information without MOES intervention. As a result of the COVID-19 pandemic and the reality of online education, in January 2021, the Government signed an agreement with mobile carriers to provide less expensive data to students and teachers; these efforts yielded mixed results. At least 20 percent of children don't have internet access, the share of which is higher (31.3 percent) in rural areas and where the availability of computers or tablets in homes is even lower.⁸

Children from Poor/Undernourished Households

More than 20 percent of the population are social assistance beneficiaries. Though Georgian education legislation does not directly address this group of students, stakeholders note that these children struggle to perform in school due to food insecurity. In addition, the Program for International Student (PISA) results show a wide testing gap between the most disadvantaged and

⁸A December 2020 Real-Time Monitoring Survey/Multiple Indicator Cluster Survey (MICS) from Geostat revealed that one in five households (20.8%) does not have internet access at home, the share of which is higher (31.3%) in rural areas (UNICEF, 2021). Moreover, a 2018 MICS survey showed that only 62% of homes had a computer, a number that fell to as low as 29% in households with low levels of education (UNICEF, 2019c)

most advantaged students as well as a lower-than-normal resilience⁹ score for socio-economically disadvantaged students in Georgia.

4.1.1 Health Area

Georgia has a number of laws addressing health as well as the rights of all Georgian residents to health care. The main laws relevant for this PforR are summarized below.

Law of Georgia on Health Care (1997) sets a general framework for the state to address health-related issues. It also delegates powers to MOILHSA to issue by-laws for individual healthcare programs, which include the universal healthcare program (UHCP) as well as other programs which address drug-addiction, diabetes, HIV infection, and Hepatitis C. Access to universal health care through state healthcare programs is one of the law's key health care principles (Article 4).

Government Decree on Universal Healthcare and Relevant Measures to be Undertaken by the State (No. 36 dated 21 February 2013) regulates the UHCP in Georgia. The program's services include planned and emergency ambulatory care, emergency hospital service, planned surgery, chemotherapy, and childbirth. The aim of the program is to provide medical services to the portion of Georgia's population which has no health insurance. Article 2 lists all eligible beneficiaries, including but not limited to socially poor families registered in the Unified Database of Socially Vulnerable Families whose score is less than 70,000 points, persons of pension age, PWDs, and children.

DLIs focusing on the health sector mainly focus on the improvement of health system management. In addition, there is a lack of information in the public domain which shows, in a disaggregated manner, the access of various vulnerable and disadvantaged groups to health services. Therefore, Box 2 presents a summary of main issues associated with the provision of health care services.

Box 2. Overview of UHCP and Targeting of Specific Groups

The health laws and secondary regulations apply to all vulnerable and disadvantaged groups identified in the Program.

According to the International Labour Organization (ILO) report "Assessment of the Social Protection System in Georgia",¹⁰ when the UHCP had been first implemented in 2013, it was truly universal in nature. However, since 2018, the benefits have only been provided to people in Georgia with annual earnings up to GEL 40,000, specifically targeting persons with low and middle income, persons of a specific age, or of a specific health group (depending on their health status).

⁹The percentage of disadvantaged students in a country or economy whose performance is in the top quartile of students around the world, after accounting for socio-economic status.

¹⁰ International Labour Organization (ILO). 2020. *Assessment of the Social Protection System in Georgia*.

https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-moscow/documents/publication/wcms_767261.pdf

The UHCP provides varying tiers of support, financed through taxes, that take the form of the direct purchase of services by providers and the issuance of insurance vouchers to individuals to purchase insurance.

The SSA administers the vouchers and acts as a single purchaser of health care. The comprehensiveness of the services and the generosity of the insurance voucher depend primarily on a person's age and income level. Under the UHCP, beneficiaries can receive more-or-less comprehensive "packages," depending on their income or whether they fall into a specific target group. A full comprehensive package covering primary care, hospitalization and other services plus additional insurance is provided to young children aged 0–6, pensioners, and certain other specified categories of people such as IDPs.

Older children and people of working age subject to income tests can receive a basic package plus additional insurance, and the self-employed and certain others can receive a limited package of services as well as a limited insurance voucher covering emergency services and oncological treatment.

Social Protection and Employment Area

Georgia has a number of laws addressing social protection as well as the rights of all Georgian residents to social protection. The main laws relevant for this PforR are summarized below. A detailed overview of laws, regulations, and decrees in the area of social protection is included in Annex 2.

Law on Georgia of Social Assistance (2006) aims to provide fair, targeted, and effective assistance for lawful residents of Georgia (Article 2) by developing a regulated and targeted system of social assistance defined as: any monetary or non-monetary allowance intended for poor families, homeless persons, or persons in need of special care, including orphans and children without parental care, PWDs, persons of full legal age with limited capabilities and without family care, persons without an income provider, and street children (Article 4). Social assistance types include: a living allowance, a reintegration allowance, an allowance for foster care, an allowance for family care of a person of full legal age, non-monetary social assistance, and a social package.

Law of Georgia on Social Assistance for Persons with Disabilities (1995) defines basic principles and mechanisms to ensure PWDs have access to independent living and full participation in all aspects of life without discrimination and on an equal basis with others. Article 15 guarantees social protection for all PWDs in conjunction with the law, international treaties of Georgia, and other legislative and subordinate normative acts of Georgia, including the development and implementation of programs aimed at social protection and the eradication of poverty.

Law of Georgia on the Labor Code of Georgia (2010) regulates labor relations and rights and responsibilities for both employers and employees. Paid maternity leave is granted for 126 calendar days, including a state contribution of GEL 1000 for the period of leave (Article 37). Temporary disability or sickness, not exceeding 40 consecutive calendar days or a total disability period not exceeding 60 days in six months, will be paid (Article 46). **MOILHSA Decree No. 87 dated 20 February 2009** notes that temporary disability is fully paid by the employer. The Labor Code provides for working hours, written employment contracts and prohibition of child and forced labor. The Labor Code does not prescribe the

rate of payment increase for overtime work. There is no requirement for employers to carry out appropriate risk assessment when employing a person between ages of 16 and 18 years, nor to monitor how the protective measures for young workers are implemented. While the Labor Code provides for an optional conciliation procedure, there is no specific requirement for employers to establish a workers' grievance mechanism. The Labor Code does not provide for a minimum wage. The limit on maximum overtime hours is not included in the law. The law allows termination payments and other statutory benefits are paid to the workers within 30 days for termination, while international standards require these payments to be made before the termination of employment.

Decree of the Government of Georgia on Targeted Social Assistance (No. 145 dated 28 July 2006) determines categories of social assistance, amounts to be paid under various circumstances, the administrative process, and the roles and responsibilities of various agencies within the system. Families registered in the Unified Database of Socially Vulnerable Families with a score below the predetermined minimum are eligible to receive a subsistence allowance. The allowance varies between GEL 30 to GEL 60 per month according to the family's individual score, and an additional child benefit is provided to TSA recipients in the amount of GEL 50 per month (Article 6). Disabled TSA recipients are also entitled to an additional GEL 45 per month.

2021 State Program on Development of Support Services for Employment aims to strengthen the active labor market in Georgia. Article 2 lists program components, including a wage subsidy for vulnerable and disadvantaged groups. Annex 1.4 sets out employment support services, particularly for the socially vulnerable and disadvantaged, social assistance beneficiaries, and PWDs. Support includes a state contribution to wages of 50 percent, not to exceed GEL 560 per month.

Law of Georgia on Facilitating Employment (2021) aims to regulate state activities facilitating employment and designate institutions responsible for facilitating active labor market and employment policy, including the development of free entrepreneurship and competition as well as provisions for equal access to state employer support programs. These programs are for all citizens of Georgia, including vulnerable and disadvantaged groups, who are defined as any group of persons which, due to certain physical, mental, or social characteristics, face a higher risk of poverty and social hardship than the majority of the population (Article 2). The law also states that individualized measures will be utilized to facilitate the professional development of jobseekers, especially the vulnerable and disadvantaged in high mountainous regions where employment may be in short supply (Article 5). In addition, wage subsidies will be paid to employers who employ jobseekers from the following categories: refugees between 16-29 years, a 16–29-year-old family member of someone registered in the Unified Database of Socially Vulnerable Families below a certain score, 16–29-year-olds who are under state care or who have left state care, PWDs, persons with special education needs, or anyone determined by a relevant ordinance of the Government of Georgia. Further, Article 33 states that the SSA will require SSA registration of and then assistance for working age family members of TSA recipients to find employment, and Article 34 makes provisions for PWDs to receive additional assistance with career development, employment search, and skills building. Finally, this law states that the target groups for Active Labor Market Policies (ALMPs) will include: the unemployed, employed persons facing the risk of job loss or job dismissal, and working-age beneficiaries who receive the living allowance. This law will become effective on September 1, 2021.

Box 3 provides an overview of the application of social protection and employment legislation to vulnerable and disadvantaged groups and implementation challenges.

Box 3. Application of Social Protection Legislation to Vulnerable and Disadvantaged Groups and Implementation Challenges

Persons with Disabilities (PWDs)

The Law on Social Assistance for Persons with Disabilities provides for PWDs to have access to full participation in all aspects of life without discrimination and on an equal basis with others, including access to the TSA allowance if they qualify for it, as per the Law of Georgia on Social Assistance. However, recent reports by the ILO and the United Nations Development Programme (UNDP) noted that Georgia relies on the outdated “medical model” for determining disability status. Regulations require that children and adults be officially assessed as disabled before they are eligible to apply for a benefit. The disability assessment process in Georgia has historically been based purely on a medical assessment, though the Government is working with partners, including UNICEF, to shift towards a “social model of disability,” which considers each person’s individual functional needs and abilities to enable their full participation in society and the economy. However, according to UNICEF, a significant number of children with disabilities remain ‘invisible’ in Georgia, without social benefits or access to services, and facing exclusion or discrimination (ILO, 2020).¹¹ According to the ILO study, MOILHSA does not systematically reach out to the disabled population to make people aware of their social assistance rights; rather, the assessing medical professional is typically the key source of information on potential benefits. Therefore, those who may not ask for a disability assessment (e.g., due to lack of knowledge, lack of resources, or stigma) may not be aware of their rights.

The recent Law on facilitating employment provides wage subsidies to employers who hire PWDs, and it provides PWDs additional assistance with career development, employment search, and skills building.

Poor Households

The Law of Georgia on Social Assistance and the accompanying Decree of the Government of Georgia on Targeted Social Assistance specifically target poor households to provide them with a subsistence allowance, including an additional child benefit. In 2015, the government reformed TSA to implement more stringent and objective eligibility criteria, introduce a scheme of differentiated levels of benefits for the TSA, and introduce a Child Benefit Program. However, according to the World Bank review of the Targeting System in Georgia,¹² while the TSA has successfully reached poor households, its coverage remains limited, at approximately 12 percent of the population, providing benefits to almost 21 percent of all children in the country and 46 percent of households in the poorest quintile.

The recent law on facilitating employment specifically targets TSA recipients with ALMPs.

High Mountainous Regions

¹¹ ILO, 2020.

¹² Honorati, Maddalena; Roberto Claudio Sormani, and Ludovico Carraro. 2020. Assessing the Targeting System in Georgia : Proposed Reform Options. Social Protection and Jobs Discussion Paper; No. 2005. World Bank, Washington, DC. <https://openknowledge.worldbank.org/handle/10986/34358>

The Law of Georgia on the Development of High Mountainous Regions provides different benefit allowances for permanent residents in these regions. Additional benefits are granted for the elderly receiving a state pension (20 percent), medical personnel, the payment of seasonal (usually winter) utility payments, the birth of a first or second child (GEL 100/child for one year), the birth of a third child or additional children (GEL 200/child for two years), and school vouchers.

The recent law facilitating employment specifically targets job seekers in high mountainous regions since job opportunities are less available there.

IDPs

The Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia assures IDPs have access to social assistance including TSA and health insurance.

Linguistic/Ethnic Minorities

Ethnic minorities are eligible to apply for TSA benefits. The Azerbaijani minority concentrated in certain regions in the south and southeast of the country has lower living standards and worse access to services than the general population. Among Azerbaijani households the poverty rate stands at 37 percent, well above the national average of 21 percent.¹³ According to UNICEF's evaluation of TSA, poor people not applying for TSA are more likely to live in rural areas, Kakheti, Kvemo Kartli (where the Azerbaijani minority is large) and Samtskhe-Javakheti (where the Armenian minority is large), be internally displaced, pensioners, ethnic Armenian or Azerbaijani, and not have a household member in salaried employment. Non-Georgian speaking applicants are required to grant a Georgian speaking friend or relative power of attorney to complete the TSA application process, which sometimes slows the process or discourages some families from applying.

Hard to Employ Persons/Unemployed

The ILO observed that the government is committed to linking TSA beneficiaries with employment activation services as a means of putting TSA beneficiaries on a path to self-sufficiency. Since January 1, 2019, an income disregard was introduced to gradually phase-out those TSA beneficiaries who find employment. According to the reform, the labor income from a new job is disregarded when determining eligibility, allowing TSA beneficiaries to remain in the TSA program for up to a year to ensure they have a stable income source.¹⁴ However, Georgia does not provide an unemployment insurance program and persons who lose their employment do not receive any unemployment assistance. Their only resort is TSA, if they qualify for it.

Women

According to the World Bank Country Gender Assessment Georgia,¹⁵ close to 40 percent of women (and 25 percent of men) receive some pension or public transfer. Over 15 percent of women depend entirely on old age pensions, and over 20 percent rely entirely on public transfers. Coverage of poor households by the TSA program does not show gender imbalances. IDP women, especially

¹³ As referenced by the World Bank, 2018, and UNICEF, 2019a. World Bank 2018. Georgia: Systematic Country Diagnostic. From Reformer to Performer (English). World Bank, Washington, D.C. UNICEF. 2019a. A Detailed Analysis of Targeted Social Assistance and Child Poverty and Simulations of the Poverty-Reducing Effects of Social Transfers. By Dimitri Gugushvili Alexis Le Nestour: UNICEF. https://www.unicef.org/georgia/media/2486/file/TSA&CHILDPOVERTY_eng.pdf

¹⁴ ILO, 2020.

¹⁵ World Bank, 2021.

single women with IDP status, are more likely to be unemployed than men from the same group, while in the general population, women's unemployment rates are lower than those of men.¹⁶

Youth

Thirty-one percent of Georgia's young population (between 15 and 29 years old) are not in employment, education, or training (NEET). For comparison, the proportion in the EU's 28 countries is 13 percent,¹⁷ and six and one-half percent in OECD countries.¹⁸ The situation is particularly problematic in relation to young women: 37 percent of women are considered NEET as opposed to 25 percent of men. One reason for this is that the school-to-work transition is very different for males and females. According to the World Bank, "While most young men transition from school to employment, most young women remain inactive and out of the labor force for longer periods as they stay home. NEET women marry at higher rates than other average young women which indicates that family formation, and the norms attached to it, play an important role in the different observed transition pathways."¹⁹ Georgia hasn't yet focused on the NEET phenomenon and no policy measures specifically targeting NEETs exist. Rather, general youth policies have been developed to address the different problems affecting young people.

In 2020, the Parliament of Georgia adopted the Youth Policy Concept for 2020-2030, which acknowledges the NEET problem.²⁰

Overview of Stakeholder Engagement and Grievance Redress Mechanisms at the National Level

Key relevant legislation pieces on public participation, stakeholder engagement, information disclosure, and handling of grievances include the Constitution of Georgia, the General Administrative Code, the Environmental Assessment Code, and the Rules of Procedure of the Parliament. Georgia is a party to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention, 1998). In addition, Georgia is implementing commitments under the framework of the Open Government Partnership (OGP), which leads to greater transparency of government institutions and greater access to information.

Administrative complaints to public entities are regulated by the General Administrative Code. Specifically, chapter XIII defines administrative proceedings for administrative complaints.²¹ The Code states that an interested party may appeal an administrative act issued by an administrative body. The code specifies that an administrative complaint must be drawn up in writing and comply with the

¹⁶ UN Women. 2020. Country Gender Equality Profile of Georgia. <https://georgia.unwomen.org/en/digital-library/publications/2020/05/the-country-gender-equality-profile>

¹⁷ World Bank. 2019b. Exploring the Diversity of Young People Not in Employment, Education or Training (NEET): The Gender Profile of NEETs in Georgia and Armenia. <https://documents1.worldbank.org/curated/en/591061559766670862/pdf/Exploring-the-diversity-of-young-people-not-in-employment-education-or-training-NEET-the-gender-profile-of-NEETs-in-Georgia-and-Armenia.pdf>

¹⁸ OECD. ND. Youth not in employment, education or training (NEET). <https://data.oecd.org/youthinac/youth-not-in-employment-education-or-training-neet.htm?context=OECD> (Accessed on September 1, 2021).

¹⁹ World Bank, 2019b.

²⁰ Parliament of Georgia. 2020. Resolution No. 7054-rs. *On the approval of the "Youth Policy Concept of Georgia for 2020-2030."* <https://matsne.gov.ge/ka/document/view/4936402?publication=0>

²¹ Parliament of Georgia. 1999. General Administrative Code of Georgia. <https://matsne.gov.ge/en/document/view/16270?publication=33>

requirements of the Code. The Code also specifies that an action by an administrative body must be appealed within one month after the day when an interested party became aware of the performance or failure to perform the actions. An authorized administrative body also has one month to review the administrative complaint and make a respective decision. However, if a longer timeframe is needed, the administrative body may make a *substantiated decision* on extending the timeframe for reviewing the administrative complaint, but by no longer than one month. The decision on time extension shall be determined within seven days after initiating the administrative proceedings and immediately notify the appellant. The Code also outlines on what grounds the acceptance of the complaint can be refused, that is, if the case is being considered and/or already has been ruled on by a court or a superior administrative body, if a person filing the complaint is not eligible to do so, if the time frame for submitting a complaint is violated, or if the complaint is anonymous.²²

All government entities use an electronic documentation system, which allows tracking correspondence to and between government entities. This is also used for complaints, as any written complaint is automatically recorded in the system and can be traced by designated PIU officials. However, the system only registers written letters, while many complaints for Bank-financed projects are provided orally. Some PIUs started to develop project-specific grievance redress mechanisms to be able to have a more tailored system in identifying, tracking, and resolving grievances.

Regulations do not explicitly cover access of vulnerable and disadvantaged groups to grievance mechanisms or public consultations. Municipal buildings where consultations usually take place tend to have ramps so that persons with disabilities can access the location. However, there are many types of practical barriers in accessing public consultations and using grievance redress mechanisms. For example, persons with disabilities might face barriers to see or hear consultation announcements, and to access channels for submitting complaints; ethnic minorities might not be able to read or speak the national language; and women, working parents, or other caregivers might be unable to leave their homes and attend face-to-face meetings.

The World Bank’s Environmental and Social Framework (ESF) gap analysis has reviewed the legal and implementation arrangements on stakeholder engagement and grievance mechanisms. While the legislation may be considered generally adequate, the World Bank report has concluded that there are several important gaps, particularly in terms of conducting meaningful consultations, confirming that stakeholders are sufficiently informed on project details to provide feedback, ensuring the participation of vulnerable and disadvantaged groups, which requires tailored outreach efforts, and having functional grievance redress systems.²³

The World Bank ESF gap analysis notes that grievance mechanisms are often applied only to a limited extent in Georgia.²⁴ Uptake of grievances is low, even in donor-funded projects. Most grievances are usually voiced verbally on sites and addressed by project implementers without being recorded. Thus, much of the feedback from local communities is often lost.

Stakeholder Engagement and Grievance Mechanisms in Specific Sectors

Social Protection and Health

²² Parliament of Georgia, 1999.

²³ World Bank, 2020a.

²⁴ World Bank, 2020a.

The World Bank has experience in Georgia’s health and social protection sector, particularly through its Emergency COVID-19 Response Project (P173911). The Bank has helped the PIU under MOILHSA to develop a Stakeholder Engagement Plan, which also has a detailed description of the project’s Grievance Mechanism (GM). It was designed to build the GM system on already existing mechanisms and practices of MOILHSA, so it is largely relevant for the ESSA.

MOILHSA allows complainants to submit a complaint in written form directly to MOILHSA or its subordinated entities: SSA and SESA. Complaints may be submitted individually, by personally submitting letters to the Ministry’s registration unit, or sent by post, or in electronic forms (emails), as well as by calling at the Ministry’s hotline (1505).

Using the MOILHSA hotline: the 1505 hotline serves the Ministry and all its subordinated agencies. All complaints addressed to the MOILHSA hotline are received by the Ministry’s designated staff (hotline team). As SSA and SESA staff are not included in the hotline team, the Ministry’s staff covers every issue under the whole Ministry, including the SESA, SSA, and other agencies. The function of the hotline is to receive all calls addressed to MOILHSA and its entities, respond and share information respectively, give recommendations, and, if responding is not possible at the hotline level, provide relevant contact information for competent entities. An abbreviated form of the complaints and complaint is recorded and is sent through email as a reminder to the relevant MOILHSA entities (SESA, SSA, etc.) depending on the nature and subject of the complaint.²⁵

The hotline serves as an information-consultation center and is available for all interested parties to receive information. For example, it provides information on where to apply for information and/or services, the status of their statement review, etc. Generally, the MOILHSA hotline is not used as a channel for receiving and registering complaints or other correspondence. An exception is complaints related to trafficking, sexual violence, and illegal trading with psychotropic substances, which are registered by the MOILHSA hotline staff and sent to the relevant MOILHSA entities responsible for responsive actions.

After the complainant is informed through the hotline where and how to apply officially regarding any claim, their only other channel is to officially address the entity to whom they are aggrieved.

Information on MOILHSA structure, activities, ongoing projects and programs is provided at MOILHSA’s official website: <http://moh.gov.ge/> The website provides contact information: *address, telephone (hotline) number, official email, and social platforms* (<https://www.facebook.com/mohgovge>; <https://twitter.com/MOHgovge>) used by MOILHSA to ensure information dissemination and feedback from stakeholders.

Complaints in written form can be submitted to MOILHSA at the following address: 144 Ak. Tsereteli Ave. Tbilisi 0119, Georgia. The Complainants can apply electronically through the following email address: info@moh.gov.ge

Detailed information on the grievance mechanism and information disclosure at the SSA and SESA is provided in Annex 3.

²⁵ World Bank. 2020b. Stakeholder Engagement Plan (SEP) Georgia Emergency COVID-19 Response Project (P173911). World Bank, Washington D. C. <http://documents.worldbank.org/curated/en/106141602033096063/Stakeholder-Engagement-Plan-SEP-Georgia-Emergency-COVID-19-Response-Project-P173911>

Education

Information on the MOES and its structure, activities, ongoing projects and programs are provided at the official website of the ministry: <http://mes.gov.ge/> The website provides contact information: *address, telephone (hotline) number, official email, and social platforms (Facebook.com/mesGeorgia)* used by the MOES to ensure information dissemination and feedback from stakeholders.

MOES provides detailed instructions on administrative complaints and the relevant forms: https://mes.gov.ge/publicInfo/?page_id=117

Complaints in written form can be submitted to MOES at the following address: 0102 Tbilisi, Dimitri Uznadze N 52. The telephone number for general inquiries is (995) 32 2 200 220. MOES also has a General Inspection Hotline (+ 995 32) 220 02 20 ext. 1150. Email is: pr@mes.gov.ge

MOES also has designated a person responsible for access to public information: https://mes.gov.ge/publicInfo/?page_id=113 The list of documents MOES is responsible for publishing is defined by the Order of the Minister N267867 (dated March 23, 2021): <https://mes.gov.ge/publicInfo/wp-content/uploads/2021/03/%E1%83%91%E1%83%A0%E1%83%AB%E1%83%90%E1%83%9C%E1%83%94%E1%83%91%E1%83%90.pdf>

The MOES follows the timeframe and procedures established by the General Administrative Code: the complaints are supposed to be addressed within one month after they are registered.²⁶

4.2 Overview of the Relevant Environmental Legal Framework

Law of Georgia on the Environmental Assessment Code of Georgia (2017) governs the process of environmental assessment (EA) of investment projects as well as the strategic environmental assessment of policies and programs. Two annexes to the Code provide lists of activities that are subject to mandatory EA or may require EA depending on the screening outcome. Activities not appearing on either of these lists do not require any environmental due diligence. Screening is the first step in the three-staged process, followed by scoping and conducting the environmental impact assessment (EIA). Project proponents undertake EIA and submit EIA reports for review to the State authority. The latter discloses the report, organizes public consultations, and undertakes its environmental expertise. The EA process is completed with the issuance of a decision on whether the project is allowed, and, if allowed, provides conditions to be satisfied by the project proponent. The environmental conclusion feeds into the process of issuing a construction permit. EIA shall provide a technical description of the proposed project, baseline information, analysis of alternatives, overview of the expected positive and negative impacts, and mitigation measures that follow the hierarchy of avoiding, minimizing, and compensating for adverse impacts on the natural environment and human health and safety.

Law of Georgia on the Waste Code of Georgia (2014) establishes an internationally acknowledged hierarchy of waste management comprised of prevention, reuse, recycling, recovery, and disposal.

²⁶ Parliament of Georgia, 1999.

Application of this hierarchy is defined by the expected ecological impacts, the best available technology, and economic feasibility. The main guiding principles of waste management imposed by the Code are (i) precaution – precautionary measures shall be taken even if there is no sufficient scientific data proving the threat of waste pollution, (ii) polluter pays – party who generates or holds the waste is liable for absorbing costs of waste management, (iii) proximity – waste shall be handled at the nearest treatment facility in the interests of environmental safety and economic efficiency, and (iv) self-sufficiency – an integrated and relevant network of municipal waste disposal and recovery shall be established and maintained. The Code provides an enabling legal framework for the development of the circular economy by introducing the principle of extended producer responsibility.

Organic Law of Georgia on the Labor Code of Georgia (2019) is in line with the guiding principles of the International Labor Organization. It includes adequate provision on non-discrimination, freedom of association, minimum employment age, occupational health and safety, and dispute resolution. **Organic Law of Georgia on Occupational Health and Safety (2020)** regulates working relations between employers and employees as well as the State bodies mandated to oversee these relations. It also lays out labor norms aimed at preventing worksite accidents, damage to health and loss of life. **Law of Georgia on the Labor Inspection Service (2020)** establishes mandate of the legal entity of public law (LEPL) – Labor Inspection Service operating under MOILHSA to ensure effective application of labor norms. Towards this end, Labor Inspection Service shall provide information and advice on compliance with labor norms upon request; lead information campaign raising public awareness and promoting the observance of labor norms; receive and review complaints related to possible violation of labor norms; conduct on-site inspections; and develop proposals on the improvement of labor legislation of Georgia and better application of thereof.

Technical Regulations on the Management of Waste from Electric and Electronic Devices approved through the Resolution of the Government of Georgia, dated May 25, 2020, support the enforcement of the Waste Management Code of Georgia. Namely, these regulations specify the application of the extended producer responsibility principle introduced in the Code. According to the Regulations, disposal of the obsolete electric and electronic devices at the regular municipal landfills is restricted. Instead, such devices must be (i) delivered to the specialized collection points to be set up as ruled by these Regulations, (ii) handed over to the authorized collector of e-waste, or (iii) handed over to the distributors of these electric/electronic products. Regulations require distributors of electric and electronic devices to register in the national ledger of extended producer responsibility.

Building Safety Rules approved through Resolution No. 41 of the Government of Georgia, dated January 28, 2016, carry required technical specifications for various engineering and furnishing elements of public buildings that must be met during construction in order to ensure the integrity and safety of buildings. These specifications serve the purpose of structural integrity, fire safety, and ensuring the health of buildings' indoor environments.

National Accessibility Standards approved through Resolution No. 734 of the Government of Georgia, dated December 4, 2020, provide detailed technical specifications for infrastructure elements within buildings that meet the needs of differently abled people. These elements include entrances, platforms and elevators, bathrooms, means of communication, signage and alarm signals, doors and windows, rails and handles, etc. Resolution No. 734 requires retrofitting existing buildings and buildings under construction to the requirements of National Accessibility Standards within the timeframe provided by the National Accessibility Plan.

4.3 Institutional Arrangements and Overview of Implementing Agencies

MOES implements unified state policy in the fields of education and science. In the field of education, MOES is responsible for preschool through tertiary education and lifelong learning; it does not oversee early childhood education, which is a municipal responsibility. The Ministry has 349 full-time and contract employees.²⁷

MOES also works closely with LEPLs, which are semi-autonomous agencies in Georgia. While there are fourteen LEPLs related to education and science, the following LEPLs may be involved in this project. They include: (a) The National Assessment and Examinations Center (NAEC), which oversees all centralized assessments and examinations for students, teachers, and other public servants. More than 200 people work here including testing experts, subject specialists, and computer scientists; (b) The Education Management Information System (EMIS), which collects and manages statistical data from schools, including student demographics and attendance, teacher demographics, and school finances (excluding examinations data which is held by NAEC); and (d) The National Centre for Education Quality Enhancement (NCEQE), which accredits schools (called school authorization) in addition to accrediting vocational and higher education institutions (has 150 employees).

Vouchers are the main funding source for general education. The 2021 budget of the MOES is GEL 1.8bn, which mostly covers schools, including increases in all teachers' salaries as well as an increase in the salaries of teachers who have achieved a certain status in the continuing education standards.²⁸ For small schools with fewer pupils, vouchers do not cover their fixed costs, so that schools with fewer than 169 students (more than 60 percent of schools) request their own budget directly from MOES.²⁹ Approximately 75 percent of this funding covers teachers' salaries.

Although MOES does not have direct oversight of Georgia's 2086 public schools, which are LEPLs, it does have responsibility for the 69 Educational Resource Centers (ERC). ERCs are tasked with regularly visiting schools to monitor school compliance on items such as infrastructure, attendance, and record keeping, which is done by completing standardized forms and sharing them with the MOES. Each ERC has four to five staff members, including a financial officer, secretary, educational specialist(s), and an assistant. In addition, the MOES works with school boards who are tasked with hiring principals and teachers, agreeing on the school curriculum, approving teaching materials, approving funding, and making decisions about school funding.³⁰

MOILHSA is governed by the Law on Social Assistance in Georgia (2006). The Ministry is responsible for gathering and analyzing social assistance data, regulating, coordinating, and monitoring the social assistance system, following a governmental ordinance to develop a methodology for evaluating the social and economic conditions of a family, approving childcare standards, and establishing LEPLs, including the approval of their governing statutes and the appointment of their authorized representatives. MOILHSA has approximately 3,000 employees. The budget in 2019 was GEL 3,863,000,000.

²⁷ Ministry of Education and Science of Georgia. ND. "The number of people employed in the Ministry by indicating the categories, as well as by gender. Number of employees by categories and gender by second quarter of 2021 (07.07.2021)." https://mes.gov.ge/publicInfo/?page_id=129 (Accessed July 15, 2021).

²⁸ Transparency International Georgia. 2020. Final Draft 2021 State Budget of Georgia: Brief Analysis and Recommendations. <https://transparency.ge/en/post/final-draft-2021-state-budget-georgia-brief-analysis-and-recommendations>

²⁹ Li et al., 2019

³⁰ Li et al., 2019.

MOILHSA is responsible for the development and implementation of the following programs in coordination with their administering agencies: a) The Targeted Social Assistance Program TSA, administered by the Social Services Agency (SSA); b) Active Labor Market Policy (ALMP) administered by the State Employment Support Agency (SESA); and c) The Universal Health Care Program (UHCP), administered by the new established National Health Agency (NHA).

The SSA is a LEPL established under MOILHSA. The SSA administers more than ten social programs, including the TSA program. The SSA employs 1,269 people throughout its offices across Georgia, including staff in 68 regional offices. These regional offices provide initial and continued registration for those who qualify as well as socio-economic assessment services and estimated TSA scores, which are sent to the central office. The SSA central office calculates final TSA scores as well as the entitlement to and the amount of living allowance. It also provides for the transfer of funds to beneficiaries. In 2021, the SSA budget is GEL 5,238,807.

Box 4. Overview of the TSA program

The TSA program is administered by the SSA, and its aim is to provide cash assistance to the most financially deprived households, which are often at the edge of the poverty line. Beneficiaries include but are not limited to poor families, PWDs, IDPs, people residing in high mountainous regions, the elderly, and women. While the SSA does not carry out public awareness campaigns about the program, information about the addition of the child benefit component in 2015 was communicated through media outlets and phone messages to eligible households. During the first COVID-19 wave in 2020, the government made announcements about additional allowances for poor families, children, and those who lost employment due to COVID-19 through media outlets. The total number of TSA beneficiaries peaked in 2021 at 151,515 families (484,122 persons) as a result of the COVID-19 pandemic and associated poverty and unemployment.

TSA has been successful in reaching poor households. The TSA was established in 2005 and it has since provided monthly cash transfers to poor households identified through a proxy means test (PMT). In 2015, the government reformed the TSA to implement more stringent and objective eligibility criteria, introduce a scheme of differentiated levels of benefits for the TSA, and introduce a Child Benefit Program. As of March 2020, the TSA covered about 129,000 households or 12.3 percent of Georgia's population³¹ and provided benefits to approximately 148,000 children, equivalent to almost 21 percent of all children in the country. Despite the successful targeting performance by TSA, which is among the best in the region, the government has requested that the World Bank update the PMT model to minimize inclusion and exclusion errors associated with the TSA program in light of the changing economy and structural changes in living conditions since 2013.³² In addition, while there has been some improvement in the last couple of years, TSA coverage of the poor has deteriorated since 2013 due to both design and implementation aspects related to the PMT scoring formula. The actual

³¹ Information on the number of beneficiaries is updated every month on the SSA website: http://ssa.gov.ge/index.php?lang_id=GEO&sec_id=1477.

³² Baum, Tinatin; Anastasia Mshvidobadze, and Josefina Posadas. 2016. Continuous Improvement: Strengthening Georgia's Targeted Social Assistance Program. Directions in Development--Human Development. Washington, DC: World Bank. <https://openknowledge.worldbank.org/handle/10986/24812> The 2013 PMT update was aimed to (a) remove from the PMT formula easily concealable durable goods, as social agents were reporting that households had adopted this practice; (b) include new easily verifiable and potentially income-generating items; (c) reduce the total number of variables used in the PMT formula to simplify it; and (d) remove from the PMT formula the subjective assessment of the social agents.

coverage of the bottom quintile was 46 percent in 2013 and 36 percent in 2018; the benefit incidence in the poorest quintile was 75 percent in 2013 and 70 percent in 2018.³³ Acknowledging the importance of building a solid and accurate targeting system, the government requested World Bank support to update the model's estimation, and as a next step, to improve the implementation processes.³⁴ The update of the PMT model is the subject of *DLI 2: Improving the efficiency, transparency and accountability of the Targeted Social Assistance (TSA) Program* of this PforR.

The SESA is a LEPL tasked with delivering ALMPs in Georgia, including but not limited to employment subsidy programs and vocational training; it also administers the Worknet portal, the government's main website for jobseekers. The SESA has a potential staffing capacity of 102 positions in twelve offices across Georgia, five of which are in Tbilisi and seven of which are regionally based. Not all these positions are currently filled due to the SESA's redirected aims during the COVID-19 pandemic. However, the SESA is expected to scale up ALMP delivery as the COVID-19 situation stabilizes. The SESA's 2021 budget is GEL 4,073,000 a slight increase over 2020, and it includes GEL 1,213,000 for the management of employment support services, GEL 770,000 for the development of employment support services, and GEL 2,090,000 for professional qualification development.

SESA services include mediation services for job seekers, individual and group counseling, professional consulting and career planning services, the promotion of employment for vulnerable, disadvantaged, and low-competitive groups, the organization of employment forums, and the administration of a state program for professional training, retraining, and qualification (internship) of job seekers. The agency aims its services at job-seekers (eligible persons between age 16 through retirement age, who do not have paid employment at the time of registration as a job seeker, and who are looking and available for employment within two weeks of registration), employees who are at risk of job loss or termination, eligible persons receiving the subsistence allowance, PWDs, entrepreneurs, employers who are in need of new employees, and young people aged 16-29 whose socially vulnerable score does not exceed 100,000, are IDPs, or persons under state care or out of care.

The Worknet portal currently has 320,000 registered jobseekers. The number of Worknet beneficiaries who found employment since 2014 include are presented in Table 5.

Table 5: Number of Worknet Beneficiaries Who Found Employment

Year	2014	2015	2016		2017	2018	2019	2020	Jan-Mar2021
Employed beneficiaries	387	349	670		1775	1888	1415	908	130

³³Based on the consumption distribution net of all social assistance transfers, as per the World Bank ASPIRE/SPEED methodology for overtime and cross-country comparisons. It should be noted that the comparison between 2013 and 2018 accounts for differences in two different data sources. While the methodology to estimate the two performance indicators is the same, the data source is different: the Welfare Monitoring Survey for 2013 and the Household Income and Expenditure Survey (HIES) for 2018.

³⁴ Honorati et al., 2020.

The NHA was established in 2020. Its goal is the administration and enforcement of state health policy and the development and improvement of state services within health programs. This includes the administration of Georgia's UHCP. Anyone may apply, and beneficiaries include but are not limited to poor families, PWDs, and other socially vulnerable and disadvantaged persons. The NHA has 439 employees across ten regional coordination centers. In 2021, its budget is GEL 4,480,000 in addition to the UHCP budget of GEL 800,000,000.

Other Agencies Relevant to Social Protection Issues

Municipal agencies are governed by Article 18 of the Law of Georgia on Social Assistance (2006) and are tasked with participating in the evaluation system, registering and providing homeless persons with care facilities, and sharing information on homeless persons with the SSA. When implementing local social assistance programs, municipal agencies are required to share their databases on beneficiary allowances with MOILHSA and the SSA as well as make information compatible with the SSA's Unified Database of Socially Vulnerable Families according to the procedures, forms, and sequence determined by the Ministry.

The Internally Displaced Persons, Eco-migrants, and Livelihood Agency is tasked with implementing state policy for IDPs and eco-migrants (persons affected by natural disasters and associated displacement), and contributing to the improvement of their socio-economic conditions, including but not limited to the creation of livelihoods. The Agency is responsible for granting IDP or eco-migrant status and assists in social allowance registration for IDPs who qualify and choose not to participate in TSA. Eco-migrants are not eligible for social allowance. The agency also ensures that IDPs have access to vocational education, self-employment, agricultural activities, and accommodation. The Agency consists of 174 staff members in five offices, including one central office in Tbilisi and four regional offices. The total budget in 2020 was GEL 98,788,100, including an administration budget of GEL 4,230,700 and a program budget of GEL 94,557,400.

State Fund for the Protection and Assistance of Victims of Human Trafficking (ATIPfund) is a legal entity of public law under the MOILHSA. It provides care for and services to the victims of abuse, human trafficking, domestic and sexual violence through legal custody, guardianships, protection and rehabilitation as well as supporting individuals with disabilities, foster children, and the elderly. ATIPfund operates the national domestic violence hotline and a network of shelters. It is the only organization in Georgia mandated to provide protection, rehabilitation, and reintegration services to the victims of trafficking and domestic violence across the country. The ATIPfund administers a variety of prevention, support, and 24-hour programs for vulnerable and disadvantaged households, disabled children, and the elderly. ATIPfund has a head office in Tbilisi and 15 regional branches and employs about 924 staff.

5. Assessment of Institutional Capacity and Performance

5.1 Adequacy of Social Management Systems

Georgia has a relatively well-developed policy and legal framework on education, social and health protection, and some of its elements specifically target vulnerable and disadvantaged groups identified under the Program. The specific aspects of the social and health systems, which are a subject of this PforR,

are in line with international standards such as ILO Convention No. 102 – Social Security (Minimum Standards).³⁵

Laws and policies aimed at protecting and assisting vulnerable and disadvantaged persons exist in the country's legal framework, but there is insufficient monitoring of implementation of commitments prescribed under the laws. While the Law of Georgia on Gender Equality and the Law of Georgia on the Elimination of all Forms of Discrimination include the role of the public defender to provide only a report on identified cases, the Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia has no reporting mechanism. In addition, a report of the Ombudsman 2019 highlighted that the monitoring described in the Decree on Inclusive Education (No. 16/n, 2018) did not take place. Concerns about monitoring and evaluation were repeated by numerous stakeholders in the education sector who expressed concern regarding the lack of monitoring and evaluation in the system. Likewise, there is insufficient data regarding the quality of service provided in the health sector.

In the area of social protection, identified gaps are related to the implementation of TSA, more specifically its targeting formula. The reform of the TSA targeting model is a subject of this PforR and is included under *DLI 1*. However, there is still room to improve information dissemination about the TSA and to make the application process more accessible to ethnic and linguistic minorities as well as PWDs. At present, the application process for TSA is available only in Georgian language, and not in Armenian, Azerbaijani, and Russian. While the office building administering TSA applications has accessibility for personas with physical disabilities, it is unclear how persons with visual, hearing and speech impairments can access the TSA application process.

In the area of education, the main identified gaps are associated with the availability of instruction and teaching materials in the minority languages, and in the means accessible to children with disabilities. The full assessment of children with special education needs is often not possible in minority languages, jeopardizing their full inclusion in the inclusive education system. The SELFIE tool is currently only available in Georgian and Russian languages, and not in Azerbaijani and Armenian languages.

Regulations do not explicitly cover access of vulnerable and disadvantaged groups to grievance mechanisms or public consultations. While the national legislation may be considered generally adequate, there are several important gaps, particularly in terms of conducting meaningful consultations, confirming that stakeholders are sufficiently informed on project details to provide feedback, ensuring the participation of vulnerable and disadvantaged groups, which requires tailored outreach efforts, and having functional grievance redress systems. Uptake of grievances is low, even in donor-funded projects. Most grievances are usually voiced verbally on sites and addressed by project implementers without being recorded. Thus, much of the feedback from local communities is often lost. There is room for the implementing entities of the PforR to improve their existing grievance mechanisms.

5.2 Adequacy of Social Management Capacity

The MOES has continually aimed to increase its capacity and improve interagency coordination, but there are still areas to be strengthened. The MOES has made continual institutional changes over time, using its growing staff and increasing budget to try and align with good international educational practices. In addition, the establishment of and coordination with relevant LEPLs (NAEC, EMIS, and NCEQE) is key to

³⁵ ILO, 2020 noted the following gaps with C102: No employment injury scheme (yet); No unemployment insurance; No survivor benefits for adults; Weak sickness and maternity benefits with low legal coverage. However, these elements of social protection system are not part of this PforR.

maintaining trust in the education system since these bodies are both autonomous and technically able to administer the country's education system. NAEC and EMIS are well-regarded for their technical capabilities but concerns regarding the ease of access to and usefulness of EMIS reports remains a concern. In addition, NCEQE's mandate to authorize all public and private schools by 2021 is hampered by the fact that most of its employees are administrators and few monitoring and evaluation specialists work there. Finally, concerns about the capacity of MoES were expressed by stakeholders due to frequent changes in leadership, making continuity difficult and leading to a perception of disjointed goals and activities.

The MOES strategy for setting goals and working with schools to monitor and achieve them is continually updated, but challenges remain. The Unified Strategy on Education and Science 2017-2021 was a positive development in laying out MOES goals for the education system and committing to an annual evaluation of and report on the strategy's progress and Georgia's education system. In addition, the intended role of both the ERCs in regulatory and compliance monitoring as well as the schools in conducting their own self-monitoring was well-intended for enhancing school monitoring practices by the MOES. However, the Unified Strategy is not well-known across the country and may be clouded by other parallel initiatives which are better known. The annual Monitoring Report it produces is an extensive report on a one-time snapshot of the education system, which is reported to be difficult to digest. The country's ERCs are overburdened by the number of schools each is required to cover and their ability to deliver on their communicative and regulatory function is limited. Finally, there is no standard monitoring of learning outcomes, and the only overall monitoring of the educational system is the Unified Strategy's Monitoring Report, which reports on activities but contains no targets or indicators.

Equally, MOLHSA has made efforts to increase its capacity and improve interagency coordination between a number of state agencies under its mandate, but there are still areas to be strengthened. While the SSA's flagship TSA program had a significant impact on mitigating the incidence of poverty,³⁶ new forms of poverty and vulnerability are not adequately captured in the existing TSA methodology to assess vulnerabilities. The targeting system, including both the methodology and the operational procedures to implement the selection rules, needs to be updated and made flexible to shocks in order to improve the e-governance and efficiency of spending (more resources are directed to those with higher needs). This PforR will support the targeting reform, which will pilot and update the PMT formula and needs index, followed by an authorizing normative framework and operational guidelines; and the simplification and digitalization of key TSA implementation processes (application, assessment, verification, re-certification of TSA applications, reconciliation of payments, complaint management) thus reducing the number of days to determine eligibility and make payments. As a result, it is anticipated that the share of TSA paid to households in the poorest quintile would increase, an increase in the TSA coverage of the poorest quintile.

The capacity of SESA to implement ALMPs is limited and the budget allocation for employment programs is small; hence the scale of ALMPs including professional skills training is small. There is a need to upgrade the selection, delivery methods, and curricula of ALMPs and short-term professional skills training in collaboration with the private sector, and to tailor them to the needs of vulnerable and disadvantaged groups. These gaps are being addressed under *DLI 4*. The SESA' outdated WorkNet Portal needs to be revamped to better address the needs of employers and job seekers and to enhance its accessibility to vulnerable job seekers. This gap in implementation will be addressed under *DLI 4* which will support revamping WorkNet.

³⁶ Honorati et. al, 2020.

MOES grievance mechanism under the Code of the Rights of the Child appear not to be operationalized in practice. The large schools in Georgia have not reported utilization of the grievance mechanism. Likewise, while SESA and SSA grievance mechanisms exist in practice, they do not publish annual reports accessible to the citizens on the category and number of grievances received, average time for closing submitted complaints and how feedback received is considered to improve SESA and SSA operations.

Overall, Georgia has made significant efforts to improve the functioning of its social systems in recent years. The main areas for improvements are associated with improved targeting of vulnerable and disadvantaged groups and giving voice to beneficiaries to express their views and concerns.

5.3 Adequacy of Environmental Management System

Georgia's environmental management system is shaped by the obligations undertaken by the country upon signing the Association Agreement with the EU. Therefore, the system is aligned with core European and international values, such as the sustainable use of natural resources, protection of biodiversity and habitats supporting it, equitable access to ecosystem services, prevention of deforestation and desertification, curtailing of environmental pollution with toxic substances and plastics, mitigating climate change and adapting to its impacts, and embracing digitalization and advanced technologies for low-emission green development. Georgia is a signatory to the vast majority of international and regional environmental treaties, including the Aarhus convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

Environmental Assessment Code adopted in 2017 establishes due procedures of screening, scoping, environmental assessment and permitting for investment operation and strategic development plants. One shortfall of the Code is that it does not apply any due diligence to small-scale works. Such activities are not subject even to the environmental screening, which means that small works that may carry environmental risks under certain circumstances would not be identified, and no mitigation measures would be applied to them. Furthermore, the Code requires full-scale environmental impact assessment for all activities which are subject to environmental permitting and no simpler environmental management instruments (e.g., self-standing environmental management plans) are required for lower risk operations.

Law of Georgia on the Code of Spatial Planning, Architecture and Construction Activities provides the principle of universal access to public buildings. National Standards of Accessibility, adopted in 2021, establishes technical parameters of interior and open public spaces required for their safety and accessibility to people with disabilities. Adherence of building designs to these standards is mandatory for permitting any new construction. National Plan of Accessibility is to be approved by the government of Georgia for gradual retrofitting of the existing public buildings. Development of the Plan is underway and behind schedule.

Law of Georgia on the Waste Management Code introduces hierarchy of handling waste that prioritizes minimization of waste streams; requires waste separation, reuse, and recycling; promotes 'polluter pays' principle, and extended producer responsibility; and creates enabling environment for the circular economy. Implementation of the Code is facing challenges due to acute lack of waste handling and disposal infrastructure. Institutional framework and economic incentives for waste separation and

recycling are also weak. May 2020 resolution of the government of Georgia approved Technical Regulations on the Management of Waste from Electric and Electronic Equipment, providing for separation, collection, and organized storage of e-waste with the purpose of turning in to producers for recovery and recycling. Extended Producer Responsibility Registry has been launched to track sales of e-equipment and recovery of the used items from customers. The system is taking off at present, and much awareness raising, and capacity building is required for all parties involved.

Organic Law of Georgia on the Labor Code of Georgia (2019), amended recently for greater consistency with the principles of the International Labor Organization, carries provisions on non-discrimination, freedom of association, minimum employment age, occupational health and safety, and dispute resolution. Organic Law of Georgia on Occupation Health and Safety (2019) establishes rights and responsibilities of employers and employees, as well as State regulatory bodies mandated to oversee working relations. The law also covers occupational health and safety by introducing rules aimed at preventing work-site accidents, damage to health and loss of life. Law of Georgia on the Labor Inspection Service (2020) gives clear mandate to this LEPL under the MOILHSA to oversee adherence to labor norms by undertaking on-site inspections, providing advice and guidance on the improvement of compliance, and receiving and reacting to complaints about possible violation of labor norms.

5.4 Adequacy of Environmental Management Capacity

Equipped with an adequate legal framework and decently designed institutional structure, Georgia still lacks capacity for environmental management due to a scarcity of funding and human resources. Many environmental laws require the development of supporting legislation to become fully enforceable, but not all by-laws and regulations are timely. The staffing levels and capacity of environmental staff in various line agencies are not optimal. This is true even for the units with the strongest mandate for enforcing environmental compliance – the Department of Environmental Assessment and the Department of Environmental Oversight in the Ministry of Environmental Protection and Agriculture. Lack of personnel and equipment limits these departments' field presence, which is critical for preventing the illegal use of natural resources, unauthorized dumping of waste, poaching, etc., as well as for ensuring timely and meaningful consultation with local communities on the environmental and social aspects of infrastructure projects. Finally, an acute lack of waste management infrastructure is a significant challenge for maintaining the quality of environment in Georgia. The country has very few up-to-date facilities for the disposal of municipal and hazardous waste as well as for the collection and treatment of wastewater, which has significant impacts on public and environmental health as well as Georgia's competitiveness in tourism and other sectors of the economy. Labor legislation of Georgia has been re-established recently, and the Labor Inspection Service under the MOILHSA with its present mandate was created in 2020. Although labor regulatory framework is well-aligned with the guiding principles of the International Labor Organization joined by Georgia, at this stage, there is a limited nation-wide experience in its implementation. Capacity of the Labor Inspection Service as well as of the occupational health and safety units of various public and private entities is in the developing mode.

6. ESSA Program Action Plan

Although the overall environmental and social effects of the Program are expected to be positive, there could also be residual risk associated with social exclusion of vulnerable and disadvantaged groups from Program benefits. The Program provides an opportunity to strengthen the procedures and increase access of vulnerable and disadvantaged groups to Program benefits, more specifically in the areas of education and social assistance.

On the technical side, to fill the gaps between the existing ESMS and international good practice identified through this ESSA, the Program will support specific measures to enhance the performance of the ESMS related to social inclusion. These measures will be implemented through the following actions:

Table 6. ESSA Action Plan

No	Action	Responsible Party	Timeline	Verification
1	Appointment of environmental and social specialists	MOF in coordination with MOILHSA and MOES	No later than 60 days after the Effective Date of the PforR	Appointment letters issued or employment contracts with environmental and social specialists signed
2	Information about TSA availability, eligibility criteria and application process available in Azerbaijani, Armenian, and Russian languages, and in means accessible to persons with disabilities.	MOILHSA and SSA	No later than 180 days after Program effectiveness	MOILHSA submits to the World Bank a report on the community outreach to potential eligible TSA beneficiaries in regions with linguistic minorities, and in means accessible to persons with disabilities. MOILHSA submits to the World Bank TSA application procedures in Azerbaijani, Armenian and Russian languages, and in means accessible to persons with disabilities.

				TSA beneficiaries report that TSA procedures are available in Azerbaijani, Armenian and Russian languages, and in means accessible to persons with disabilities.
3	WorkNet Portal available in Armenian, Azerbaijani, Armenian and Russian languages, and in means accessible to persons with disabilities	MOILHSA and SESA	No later than one calendar year after Program effectiveness	MOILHSA includes in the ToR for WorkNet development a requirement for the website in Azerbaijani, Armenian, and Russian languages, and in means accessible to persons with disabilities. Worknet Portal publicly available in Azerbaijani, Armenian, and Russian languages, and in means accessible to persons with disabilities.
4	SELFIE tool available in Azerbaijani and Armenian languages.	MOES	No later than one calendar year after Program effectiveness	MOES includes in the ToR for SELFIE pilot a requirement for the availability in Azerbaijani and Armenian languages.
5	MOILHSA to strengthen its own existing grievance mechanism for health sector, and the grievance mechanism for SSA and SESA.	MOILHSA, SSA and SESA	No later than 180 days year after Program effectiveness	MOILHSA, SSA and SESA publicize detailed GM procedures on their websites in Georgian,

				<p>Armenian, Azerbaijani, and Russian; widely publicize the availability of the grievance mechanism to health, SSA and SESA beneficiaries; and publish annual reports on GM implementation including (categories of grievances, average time to close grievances, percentage of open grievances beyond stipulated timeline for resolution, gender disaggregated data; linguistic minority data). MOILHSA, SSA and SESA GM procedures and annual GM reports submitted to the World Bank.</p>
6	MOES to strengthen GM in line with the Code on the Rights of a Child.	MOES	No later than one year after the Effective Date of the Program	<p>MOES publishes on its website detailed procedures on the grievance mechanism in line with the Code on the Rights of a Child in Georgian, Armenian, Azerbaijani, and Russia; and widely publicize the availability of the grievance mechanism in schools in Georgia MOES publishes</p>

				annual reports on the implementation of the GM. Annual reports submitted to the World Bank.
7.	Develop an environmental screening checklist and use it for assessing risks associated with the designed rehabilitation of school buildings to filter out any moderate, significant, and high-risk interventions ineligible for Program support.	MOES	Prior to tendering of rehabilitation works	Filled out screening checklists are available on file at MOES.
8.	Develop, approve, and implement National Plan of Accessibility	Ministry of Economy and Sustainable Development (develops and implements the Plan); Government of Georgia (approves the Plan) and monitors its implementation	Develop and approve the plan by the end of 2022 Implement the Plan according to the established timeline	Government resolution is issued on the approval of the National Plan of Accessibility; Annual reports on the implementation of the Plan are furnished to the World Bank.
9.	Enforce Resolution on the Management of Waste from Electric and Electronic Devices	Ministry of Environmental Protection and Agriculture	Monitor attainment of the established targets for the separated collection of various categories of e-waste and use monitoring data for adaptive management	Annual reporting, starting the year of 2023

Annex 1: Education Laws

Constitutional Right to Education and Equality: The Constitution of Georgia (1995) defines Georgia as a social state, which provides for the development of education (Article 5.6). Article 27 states that all people shall enjoy the right to education and academic freedom, specifically articulating: *1. Everyone has the right to receive education and the right to choose the type of education. 2. Preschool education shall be guaranteed according to the rule prescribed by law. Elementary and basic education shall be compulsory. General education shall be fully funded by the State according to the rule prescribed by law. Citizens shall have the right to state-funded vocational and higher education according to the rule prescribed by law. 3. Academic freedom and autonomy of higher educational institutions shall be guaranteed.*

In addition, the constitution provides for the Right to Equality (Article 11), stating: *1. All persons are equal before the law. Any discrimination on the grounds of race, colour, sex, origin, ethnicity, language, religion, political or other views, social affiliation, property or titular status, place of residence, or on any other grounds shall be prohibited. 2. In accordance with universally recognized principles and norms of international law and the legislation of Georgia, citizens of Georgia, regardless of their ethnic and religious affiliation or language, shall have the right to maintain and develop their culture, and use their mother tongue in private and in public, without any discrimination. 3. The State shall provide equal rights and opportunities for men and women. The State shall take special measures to ensure the essential equality of men and women and to eliminate inequality. 4. The State shall create special conditions for persons with disabilities to exercise their rights and interests.*

The Law of Georgia on Refugee and Humanitarian Status (2011) defines the legal status and guarantees as well as the social and economic guarantees of refugees and asylum seekers in Georgia, ensuring they are treated as other Georgian citizens, including their right to education.

This Law defines the legal status, rights and obligations, and legal guarantees of asylum seekers, and refugee or humanitarian status holders in Georgia, and the social and economic guarantees of refugee or humanitarian status holders, and the grounds and procedures for granting, terminating, and cancelling refugee or humanitarian status.

This law ensures that asylum-seekers as well as those who have refugee and humanitarian status are entitled to education like other citizens of Georgia (Articles 18 and 19). Article 30 lays out the role of the MOES, which includes ensuring the right to education for asylum-seekers, and refugee and humanitarian status holders. It also directs the MOES to send information to MOILHSA on the living conditions of the children of refugee or humanitarian status holders and on the possibility of their studying at state and comprehensive (secondary) schools or vocational educational institutions, and the possibility and conditions for their transfer to secondary and vocational educational institutions.

Unified Strategy for Education and Science 2017-2021 is the main strategy of the MOES to direct the country's education system with the goal of providing high quality education for all. It includes all levels of education from early childhood and preschool education through adult education, sciences, and research and aims to promote connections between them. This strategy includes an action plan with expected outcomes, assigned responsibilities, and associated implementation periods.

The general education portion of this strategy contains five strategic objectives, including: 1) Ensuring equal universal access to high quality education for all including ethnic minorities, pupils with special needs, the socially vulnerable, those living along the occupied territories demarcation line and pupils of

mountainous regions in addition to pursuing alternative approaches for students who have left school or not completed general education. 2) Improving education quality with the aim of enabling more students to move to the next level of education. 3) Improving the educational environment, including inclusive, safe, equal, non-violent, healthy, and motivating environments for all students. 4) Increasing the efficiency and motivation of school administration and teachers. 5) Developing effective management systems at all levels of general education, including enhancing the role of ERCs, pursuing school management approaches with different strategies and a participatory system of management, and the review of funding mechanisms.

National Concept for Tolerance and Civic Integration (2009) elaborates national strategic goals in six main areas: rule of law, education and state language, media and access to information, political integration and civic participation, social and regional integration, and culture and preservation of identity. It is based on the principles of providing equal opportunities, while also supporting preservation of minorities' culture and identity. Since its inception, corresponding action plans have included strategic goals and implementation strategies. The most recent *Action Plan 2015-2020* includes four strategic goals, including Goal 3: Providing Access to High Quality Education and Improving Knowledge of the State Language. This goal sets out activities for the MOES to a) increase access to preschool education for representatives of ethnic minorities; b) increase access to quality general education in both state and native languages; c) increase access to higher education; and d) provide vocational and adult education. Special attention is paid to all ethnic minorities, especially Azerbaijani and Armenian speaking communities, as well as communities speaking Russian and Roma communities. In the four categories of focus for education, the action plan aims to recruit and equip more bilingual teachers and provide for more bilingual education. It also aims to provide books and resources in the language of the ethnic minorities as well as to ensure that the books and resources are free of stereotypes.

Annex 2: Social Protection and Employment Laws

Constitutional Right to Social Protection and Employment: The Constitution of Georgia (1995) defines Georgia as a social state, which commits to caring for social protection, ensuring minimum subsistence and decent housing, protecting the welfare of the family, and promoting the employment of all citizens (Article 5).

The Government of Georgia is also a signatory to the United Nations Convention on the Right of Persons with Disabilities (2014), which includes their right to social protection.

Decree of the Ministry of IDPs, Health, Labor, and Social Affairs on the Approval and Issuance of Targeted Social Assistance adopted (No. 225/n dated 22 August 2006) sets out MOILHSA's process for application and granting of the TSA benefit. Socially vulnerable families may apply for a monetary child benefit as well as a non-refundable GEL 30 partial food voucher (Article 4). IDPs are not eligible to receive both the IDP benefit and TSA and are required to choose between the two (Article 5).

Decree of Government of Georgia on Determination of Social Package (No. 279 dated 23 July 2012) regulates the eligibility of social assistance recipients, including a monthly allowance for PWDs, persons who have lost their household's main breadwinner, victims of political repression, and persons receiving state compensation. This allowance is not paid to those receiving an old-age pension (Article 5).

Decree of Government of Georgia on Reducing Poverty and Improving Social Assistance of Citizens in the country (No. 126 dated 24 April 2010) sets out the principles for forming a social assistance beneficiary registration database and TSA scoring methodology. Social assistance applicants who are able to work but not employed register with the government's website for jobseekers, Worknet (www.worknet.gov.ge) (Article 6) and shall have an active account for three months after which their account will be cancelled (Article 12).

Government Decree on Registration rules for the Unified Database of Socially Vulnerable Families, Re-assessment of Socio-economic Conditions of Applicants, Application Forms and their Registration and Recording (No. 140/n dated 20 May 2010) sets out rules for the Unified Database of Socially Vulnerable Families, including registration procedures, the application process, and other administrative processes. The decree requires ease of access for socially vulnerable persons to register and apply at SSA local branches, and it prohibits requiring documentation or additional obstacles at the time of application, such as a fee. When necessary, SSA representatives also support applicants with the application, including but not limited to assisting with form completion, procedure explanation, and the description of possible outcomes (Article 2).

Government Decree on Assessment Rules of Socio-economic Conditions of Socially Vulnerable Families (No. 141/n dated 20 May 2010) determines the information gathering, identification, and verification procedures for assessing the socio-economic conditions of socially vulnerable family TSA applicants. The decree requires that a SSA representative complete the family declaration, including a household visit to verify living conditions (Article 3).

National Strategy for Labor and Employment Policy of Georgia 2019-2023 is a strategic four-year vision aimed at labor and employment reform. The strategy includes five main goals: 1) Reduce the discrepancy between labor market supply and demand; 2) Strengthen ALMP; 3) Promote the inclusion of women and

socially vulnerable groups through targeted social employment policies; 4) Improve safety and labor rights on work sites; and 5) Improve the management of labor migration. The strategy notes that it continues robust TSA coverage of a wide range of demographic groups and promotes the transition from social assistance to employment. Task 2.1 in the strategy aims to expand and systematize ALMPs, including improving access to services for a wide range of jobseekers. The strategy particularly mentions: the high number of self-employed persons, young people (age 15-29), low-skilled workers, PWDs, representatives of ethnic, linguistic, and religious minorities, women, including single-mothers, and IDPs. The Strategy is broken into smaller action plans, including the 2019-2021 plan which is now in force. The 2022-2023 strategy is currently being drafted.

The 2021 Professional Training and Qualification Improvement State Program for Jobseekers aims to improve the active labor market in Georgia and provide support to jobseekers. Priority for training and retraining programs is granted to vulnerable groups, including but not limited to the socially vulnerable and PWDs (Article 2).

The 2021 State Program on Development of Support Services for Employment aims to strengthen the active labor market in Georgia. Article 2 lists program components, including a wage subsidy for vulnerable groups. Annex 1.4 sets out employment support services, particularly for the socially vulnerable, social assistance beneficiaries, and PWDs. The support includes a state contribution to wages of 50 percent, not to exceed GEL 560 per month.

Annex 3: SSA and SESA Grievance Mechanisms

Receiving and Resolving Complaints at SSA

Information on SSA structure, service, assistance programs, and eligibilities to receive assistance are provided on the official SSA website: <http://ssa.gov.ge/>. The website also provides SSA contact information: address, telephone (hotline) number, official email, and social platforms used by SSA to ensure information dissemination and feedback from stakeholders (<https://www.facebook.com/ssageorgia>; <https://twitter.com/SSAgovge>).

The complainants have the possibility to submit a complaint in written form to SSA at the following address: 144 Ak. Tsereteli Ave. Tbilisi 0119, Georgia; and electronically through the following email address – info@ssa.gov.ge. Both ways of submission are equally valid.

Receiving and Resolving Complaints at SESA

Information on SESA and its services to beneficiaries is available on the SESA Facebook page <https://www.facebook.com/worknet.gov.ge>, including contact information, namely: *official postal and email addresses*. This social platform is actively used by SESA to ensure information dissemination and feedback from the interested parties and stakeholders.

The postal address of SESA is available to the complainants on the following address: 9 Mikheil Asatiani str. Tbilisi 0177, Georgia; the Complainant can submit the letter in person or via post, and also submit an electronic complaint through the following email address: infolesa@moh.gov.ge. All methods are equally valid. In addition, the complainant can submit the claim in person, at the Ministry: 144 Ak. Tsereteli Ave. Tbilisi 0119, Georgia.

The timeframes of the grievance redress mechanism system are within two days after a complaint is registered by MOILHSA, SESA or SSA, the complaint is directed to a responsible entity/staff. Then, the entity has 15 days to obtain information from relevant departments within the SESA/SSA and request additional information from the complainant. Within one month of registering the complaint, an oral hearing/GRC meeting will be set up to make a decision. The decision is executed within five days. After this step, the claim is either resolved, or the complainant might decide to go to court.³⁷

³⁷ World Bank, 2020b.

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