

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Georgian Young Lawyers' Association Once Again Responds to the Dismissal of Employees from the National Agency of Public Registry

Referring to the March 19, 2013 statement of First Deputy Minister of Justice Mr. Davit Jandieri (see the attached file), GYLA responded to the [dismissal of three employees of the National Agency of Public Registry](#). GYLA criticized the decision made by the head of the agency. Further, no concrete legal grounds for the dismissals were known at

the time of making the statement.

According to the March 20 reports, all three employees of the agency were dismissed on grounds of dissolution of labor contract, para.1d, Article 37 of the Labor Code of Georgia. Hereby, we would like to recall that this is the very provision that allows a vicious practice of dismissing employees without providing any proper grounds, for which the Labor Code of Georgia and the authorities that have adopted it have been criticized on a number of occasions both inside and outside the country.

Over the years GYLA had been criticizing the foregoing stipulation of the Labor Code, use of it by employees (frequently on political grounds) and the vicious practice that did not allow for any fair and effective mechanisms for restoration of employee rights. GYLA has tried and continues to try to defend interests of persons illegally dismissed from work. Regrettably, in light of the flawed legislation and courts that are no better than the legislation, our efforts are in vain. The fact is that the foregoing controversy is yet another proof that the existing Code fails to ensure protection of employees rights and interests in dissolution of labor contract. Further, the Code falls short of international labor rights standards. Neither does the existing legislation envision a mechanism for providing employees with prior notice, thus violating Article 4 of the European Social Charter. The provision of the Georgian Labor Code cited as grounds for the dismissals was also criticized by the United Nations Special Rapporteur in his 13 February 2012 report. (Statement by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association at the conclusion of his visit to the Republic of Georgia. Tbilisi, 13 February 2012;)

Although from formal and legal point of view, the decision was made by the chairperson of the NAPR, the statement made by the deputy minister indicates that the minister was personally involved in the dismissals. Further, the Ministry has elaborated a draft law criticizing the foregoing provision and aiming to repeal it. Criticizing the legal provision, wishing to repeal it but at the same time dismissing employees by citing the very same provision is rather peculiar, to put it mildly. If the provision was unacceptable, why is it cited as grounds for the decision?! If the dismissed employees did indeed perpetrate gross violations of law, why wasn't at least one of the alleged violations cited as official grounds?!

Former employees of the NAPR are planning to appeal the decision and fight for

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restoration of their rights, for which they can count on GYLA's full support. Further, we call on the Ministry of Justice to restore justice for its own former employees dismissed illegally before restoring justice in violations committed by others throughout years.