

Georgia

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 15 November 2013



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/georgia>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

13 stakeholders' reports were submitted for the UPR. 26 NGOs were contacted. 3 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

5 NGOs responded to our enquiry. No UN agency did respond. The State under Review did not respond to our enquiry. The NHRI responded to our query.

The following stakeholders took part in the report:

1. **NHRI:** Public Defender's Office of Georgia (Public Defender)
2. **NGOs:** (1) Children of Georgia (CoG) (2) Global Initiative to End All Corporal Punishment of Children (GIEACPC) (3) Public Health Foundation of Georgia (PHFG) (4) Union Sapari (Sapari) (5) Women's Information Center + Center for Information and Counseling on Reproductive Health (WIC)

IRI: 32 recommendations are not implemented, 69 recommendations are partially implemented, and 30 recommendations are fully implemented. No answer was received for 40 out of 173 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).



2. Index

Hereby the issues which the MIA deals with:

rec. n°	Rec. State	Issue	IRI	page
3	Algeria	Disabilities,International instruments,Migrants	partially impl.	page 30
45	Algeria	Disabilities,Rights of the Child	not impl.	page 56
72	Algeria	ESC rights - general	partially impl.	page 15
133	Algeria	Women's rights	partially impl.	page 72
2	Argentina	Disabilities,Enforced disappearances,International instruments,Migrants,Rights of the Child	partially impl.	page 29
42	Argentina	Women's rights	not impl.	page 55
160	Armenia	Minorities,Treaty bodies	partially impl.	page 28
36	Australia	Detention conditions	partially impl.	page 37
48	Australia	Justice	fully impl.	page 38
88	Australia	Internally displaced persons	fully impl.	page 23
11	Austria	Internally displaced persons	fully impl.	page 19
34	Austria	Detention conditions	partially impl.	page 37
96	Austria	Internally displaced persons,Right to education,Rights of the Child	fully impl.	page 27
103	Austria	Disabilities,International instruments	not impl.	page 31
117	Austria	General	not impl.	page 45
167	Austria	Detention conditions	not impl.	page 48
14	Azerbaijan	Rights of the Child,Women's rights	fully impl.	page 49
16	Azerbaijan	Disabilities	partially impl.	page 19
20	Bangladesh	Disabilities,Rights of the Child	partially impl.	page 51
128	Bangladesh	Women's rights	partially impl.	page 65
129	Bangladesh	Poverty	not impl.	page 68
152	Belarus	Freedom of the press	fully impl.	page 11
78	Bolivia	Minorities	fully impl.	page 22
166	Bolivia	Minorities	not impl.	page 28
1	Brazil	International instruments	partially impl.	page 29
24	Brazil	Women's rights	not impl.	page 52
75	Brazil	Freedom of religion and belief,Minorities	fully impl.	page 21
121	Brazil	Rights of the Child	partially impl.	page 57
38	Bulgaria	Rights of the Child,Women's rights	partially impl.	page 53
44	Bulgaria	Labour,Rights of the Child	not impl.	page 56
127	Bulgaria	Women's rights	not impl.	page 61
134	Bulgaria	Women's rights	not impl.	page 73
168	Bulgaria	Labour	not impl.	page 18
18	Canada	Disabilities,Rights of the Child	partially impl.	page 50
30	Canada	Detention conditions,Torture and other CID treatment,Treaty bodies	partially impl.	page 36



rec. n°	Rec. State	Issue	IRI	page
144	Canada	Human rights violations by state agents	partially impl.	page 46
52	Chile	Justice	fully impl.	page 42
59	Chile	Freedom of the press	partially impl.	page 8
104	China	Disabilities,International instruments	not impl.	page 31
107	Cyprus	Enforced disappearances,International instruments	not impl.	page 32
135	Cyprus	Detention conditions,Human rights violations by state agents,Women's rights	partially impl.	page 45
46	Czech Republic	Justice	not impl.	page 38
57	Czech Republic	Human rights violations by state agents	not impl.	page 44
58	Czech Republic	Freedom of the press,Human rights defenders	not impl.	page 8
64	Czech Republic	Freedom of opinion and expression	partially impl.	page 9
116	Czech Republic	General	partially impl.	page 45
153	Czech Republic	Freedom of association and peaceful assembly	partially impl.	page 13
169	Czech Republic	Justice	partially impl.	page 41
19	Denmark	Disabilities,Rights of the Child	partially impl.	page 50
66	Denmark	Freedom of opinion and expression,Freedom of the press	partially impl.	page 9
25	Ecuador	Women's rights	partially impl.	page 52
89	Ecuador	Internally displaced persons	fully impl.	page 25
122	Ecuador	Freedom of religion and belief,Minorities,Rights of the Child	not impl.	page 57
150	Ecuador	Freedom of religion and belief,Minorities,Treaty bodies	partially impl.	page 27
6	France	International instruments,Justice	partially impl.	page 33
85	France	Internally displaced persons	partially impl.	page 24
106	France	Enforced disappearances,International instruments	not impl.	page 32
171	Georgia	Rights of the Child	fully impl.	page 75
172	Georgia	Development	partially impl.	page 75
7	Germany	General	fully impl.	page 76
69	Germany	Freedom of opinion and expression,Freedom of the press	partially impl.	page 10
35	Greece	Detention conditions	partially impl.	page 37
49	Greece	Justice	fully impl.	page 40
91	Greece	Internally displaced persons	not impl.	page 26
148	Holy See	Freedom of religion and belief,Minorities	fully impl.	page 27
149	Holy See	Freedom of religion and belief,Minorities	not impl.	page 27
15	Hungary	Rights of the Child	partially impl.	page 49
53	Hungary	Human rights education and training,International instruments,Justice	partially impl.	page 43
137	Hungary	Rights of the Child	not impl.	page 74
142	Hungary	Extrajudicial executions,Human rights violations by state agents,Torture and other CID treatment	partially impl.	page 46
5	India	Disabilities,International instruments,Rights of the Child	partially impl.	page 31
43	Iraq	Women's rights	partially impl.	page 55
71	Iraq	Development,Poverty	partially impl.	page 14
12	Japan	Justice	partially impl.	page 35



rec. n°	Rec. State	Issue	IRI	page
21	Jordan	Minorities, Rights of the Child, Special procedures, Treaty bodies, Women's rights	partially impl.	page 35
82	Jordan	Asylum-seekers - refugees, Internally displaced persons	fully impl.	page 23
22	Kyrgyzstan	Civil society, UPR process	fully impl.	page 8
47	Latvia	Justice	partially impl.	page 38
51	Lithuania	Justice	fully impl.	page 38
86	Lithuania	Asylum-seekers - refugees, Internally displaced persons	fully impl.	page 25
126	Lithuania	Women's rights	partially impl.	page 59
90	Malaysia	Internally displaced persons	fully impl.	page 25
120	Malaysia	Development, Right to education, Rights of the Child	-	page 56
4	Mexico	Disabilities, International instruments	fully impl.	page 31
41	Mexico	Justice, Rights of the Child, Women's rights	partially impl.	page 54
70	Mexico	Freedom of the press	fully impl.	page 11
136	Mexico	Rights of the Child, Treaty bodies	not impl.	page 73
50	Moldova	Justice	fully impl.	page 40
31	Netherlands	Detention conditions	not impl.	page 36
68	Netherlands	Freedom of opinion and expression, Freedom of the press	not impl.	page 11
84	Netherlands	Internally displaced persons	partially impl.	page 24
95	Netherlands	Right to housing	partially impl.	page 16
39	Norway	Women's rights	partially impl.	page 54
40	Norway	Civil society, Rights of the Child, Women's rights	partially impl.	page 54
146	Norway	Freedom of the press	partially impl.	page 10
77	Pakistan	ESC rights - general, Minorities	not impl.	page 22
79	Pakistan	Minorities	fully impl.	page 23
13	Philippines	Migrants, Rights of the Child, Women's rights	fully impl.	page 48
27	Philippines	Freedom of religion and belief, Minorities	fully impl.	page 20
130	Philippines	Women's rights	partially impl.	page 68
55	Poland	Justice	partially impl.	page 43
65	Poland	Freedom of opinion and expression, Freedom of the press	partially impl.	page 9
125	Russian Federation	Rights of the Child, Torture and other CID treatment, Women's rights	partially impl.	page 57
138	Russian Federation	Detention conditions, Justice	partially impl.	page 45
145	Russian Federation	Justice	partially impl.	page 47
105	Serbia	Disabilities, International instruments	not impl.	page 31
131	Serbia	Disabilities, Minorities, Women's rights	not impl.	page 17
32	Slovakia	Detention conditions	partially impl.	page 36
54	Slovakia	Justice	fully impl.	page 40
102	Slovenia	Disabilities, International instruments	not impl.	page 31
9	Spain	Detention conditions, International instruments, Torture and other CID treatment	fully impl.	page 34
26	Spain	Women's rights	partially impl.	page 53



rec. n°	Rec. State	Issue	IRI	page
94	Spain	Internally displaced persons, Right to housing	partially impl.	page 26
97	Spain	Disabilities, Enforced disappearances, ESC rights - general, International instruments	not impl.	page 32
132	Spain	Women's rights	partially impl.	page 70
23	Sri Lanka	Women's rights	partially impl.	page 51
74	Sri Lanka	Right to health	fully impl.	page 16
147	Sri Lanka	Right to education	partially impl.	page 17
37	Sweden	Detention conditions	partially impl.	page 37
163	Sweden	Right to housing	not impl.	page 18
164	Sweden	Right to housing	partially impl.	page 18
33	Switzerland	Detention conditions	fully impl.	page 37
56	Switzerland	Human rights violations by state agents	not impl.	page 43
92	Switzerland	Internally displaced persons	partially impl.	page 24
114	Switzerland	Other	partially impl.	page 12
140	Switzerland	Justice	partially impl.	page 41
141	Switzerland	Justice	-	page 38
76	United Kingdom	ESC rights - general, Minorities	partially impl.	page 21
93	United Kingdom	Internally displaced persons	fully impl.	page 26
143	United Kingdom	Justice	partially impl.	page 45
113	United States	Freedom of the press	partially impl.	page 11
115	United States	Civil society, Elections	partially impl.	page 13
139	United States	Justice	partially impl.	page 40

3. Feedbacks on recommendations

CP Rights

Recommendation n°22: *Involve civil society representatives in the follow-up implementation of the universal periodic review recommendations* (Recommended by Kyrgyzstan)

IRI: *fully implemented*

Children of Georgia (CoG) response:

For several years NGO representatives are involved in the process of providing alternative reports about rights implementation in the country.

Recommendation n°58: *Ensure that the cases of intimidation and violation against journalists and human rights defenders are effectively investigated and prosecuted and that those responsible are brought to justice* (Recommended by Czech Republic)

IRI: *not implemented*

Public Defender's Office of Georgia (Public Defender) response:

Facts of intimidation and violation against journalists and human rights defenders are punishable in accordance with the legislation of Georgia. Unfortunately, number of facts of unlawful interference in professional activities of journalists, also violence against them, also facts of threatening and detaining of journalists were reported in 2011-2012, especially, during the run-up to the Parliamentary elections of 2012. The Public Defender addressed the Government of Georgia and investigation bodies with a recommendation to carry out fast and effective measures for investigating all these facts that were related to the violation of the journalists' rights.

Unfortunately, investigation of such cases is delayed in some cases, but sometimes the investigation is finished (terminated) due to the absence of signs of crime. Besides, the form and extent of responsibility of offenders is inadequate to the committed offence and inflicted damage.

Recommendation n°59: *Strengthen the protection of journalists by ensuring the effective investigation of violations of their rights* (Recommended by Chile)

IRI: *partially implemented*

Public Defender response:

Effective investigation of acts committed against journalists remains a problematic issue despite the Public Defender has addressed the Government of Georgia and investigative bodies with recommendation. Often the right qualification is not assigned to the act committed against a journalist, namely, the investigation is not carried out based on a relevant, special article of the Criminal Code (namely, Article 154 of the Criminal Code – illegally preventing journalist from professional activities), but instead, on any other article envisaged for other crime (such as misdemeanour,



battery, etc.), and thus, in most cases, the initiated investigation is finished (terminated) because of the absence of the signs of crime. However, it should be pointed out that there were several cases during 2012, when the investigative bodies carried out effective measures regarding the facts of the violation of journalists' rights, and a particular result was achieved.

Recommendation n°64: *Safeguard full and unhampered enjoyment of freedom of expression (Recommended by Czech Republic)*

IRI: *partially implemented*

Public Defender response:

In regards to the freedom of expression, the current situation of Georgia and the Press Freedom Index were traditionally evaluated by the international NGOs. Despite numerous problems, it is noteworthy that according to the research published by the international NGO 'Reporters Without Borders', the Press Freedom Index improved in Georgia compared to 2011. In regards to the freedom of press, Georgia improved its position by 5 points in 2012 and was shifted to the 100th place. 'Report on Press', 2012 of Freedom House also speaks about the improved situation, according to which Georgia is the only country in the region, which significantly improved its situation and moved from the 55th place to the 52nd one. Such result is caused by establishing several new media outlets and granting the broadcasting license to the television, which has critical attitude to the government. However, Georgia is still under the category of 'semi-free countries'.

Despite the above mentioned, several key trends were identified based on the analysis of cases studied at the Public Defender's Office of Georgia. Namely, facts of preventing the journalists from performing their activities by public officers, interference in professional activity of journalists, also facts of insult and threatening, providing unequal conditions for the journalists of same category while performing their professional activity compared to other media outlets. Some unprecedented cases were also reported in 2012, where the representatives of unknown media outlets intentionally tried to prevent the colleagues to perform their professional activities. In some cases there were facts of their constant prosecution and oppression as well.

Recommendation n°65: *Enhance efforts to guarantee freedom of speech and of the press and other media, and to ensure that complaints in this regard are promptly investigated and that the perpetrators are prosecuted and punished (Recommended by Poland)*

IRI: *partially implemented*

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Recommendation n°66: *Continue efforts to ensure freedom of speech and of the press, and to promptly investigate all complaints in this regard (Recommended by Denmark)*

IRI: *partially implemented*

+



Recommendation n^o69: *Equal treatment for all media and prompt investigations of reported violations against the rights of press and speech* (Recommended by Germany)

IRI: *partially implemented*

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Recommendation n^o146: *Do its utmost in ensuring that allegations of self-censorship, threats against journalists and low public trust in the media are investigated in a timely, transparent and effective manner and that those responsible are held to account* (Recommended by Norway)

IRI: *partially implemented*

Public Defender response:

Facts of intimidation and violation against journalists and human rights defenders are punishable in accordance with the legislation of Georgia. Unfortunately, number of facts of unlawful prevention from professional activities of journalists, also violence against them, also facts of threatening and detaining of journalists were reported in 2011-2012, especially, during the run-up to the Parliamentary elections of 2012. Although the Public Defender addressed the Government of Georgia and investigation bodies with a recommendation to carry out fast and effective investigative measures to investigate all these facts that were related to the violation of the journalists' rights, unfortunately, investigation of such cases is delayed in some cases, but sometimes the investigation is finished (terminated) due to the absence of signs of crime. Besides, the form and extent of responsibility of offenders is inadequate to the committed offence and inflicted damage.

Effective investigation of acts committed against journalists remains a problematic issue despite the Public Defender has addressed the Government of Georgia and investigative bodies with recommendation. Often the right qualification is not assigned to the act committed against a journalist, namely, the investigation is not carried out based on a relevant, special article of the Criminal Code (namely, Article 154 of the Criminal Code – illegally preventing journalist from professional activities), but instead, any other article is referred to, which is envisaged for another crime (such as misdemeanour, battery, etc.), and thus, in most cases, the initiated investigation is finished (terminated) because of the absence of the signs of crime. However, it should be pointed out that there were several cases during 2012, when the investigative bodies carried out effective measures regarding the facts of the violation of journalists' rights, and a particular result was achieved.

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television, which has critical attitude to the government. However, Georgia is still under the category of ‘semi-free countries’.

Despite this, several key trends were identified based on the analysis of cases studied at the Public Defender’s Office of Georgia. Namely, facts of preventing the journalists from performing their activities by public officers, interference in professional activity of journalists, also facts of insult and threatening, providing unequal conditions for the journalists of same category while performing their professional activity compared to other media outlets. Some unprecedented cases were also reported in 2012, where the representatives of unknown media outlets intentionally tried to prevent the colleagues to perform their professional activities. In some cases there were facts of their constant prosecution and oppression as well.

Recommendation n°68: *Strictly uphold freedom of the press, including public access to information, and ensure that the complaints made in this regard are properly investigated* (Recommended by Netherlands)

IRI: *not implemented*

Public Defender response:

Public Defender of Georgia has identified many facts of violating the access to public information by authorized people at public institutions. Analysis of the applications reviewed by the Public Defender’s Office of Georgia lets us conclude that certain public institutions do not fulfill their obligation to provide reasoning for refusing the disclosure of public information, or to clarify the procedure for appealing the decision. Besides, in some cases the public institutions ignore statutory obligation – to ensure sending the application to authorized administrative bodies. Often the public institutions do not disclose public information and the citizen refers to the Public Defender of Georgia for obtaining such information, who then carries out respective legitimate follow-up within the limits of his authority. Based on the applications reviewed at the Public Defender’s Office of Georgia in connection to the non-disclosure of public information we can identify the agencies who did not disclose inquired public information in some cases. These are: Administration of the President of Georgia, ministries of Georgia and legal entities of public law under their subordination, also local governments, national regulatory bodies, etc.

Recommendation n°70: *Amend legislation governing radio, television and communications to fully guarantee the openness, transparency and the diversity of the media in the country* (Recommended by Mexico)

IRI: *fully implemented*

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Recommendation n°113: *Complete and enact the draft media law reform, such that it includes measures to increase media ownership transparency and financial transparency* (Recommended by United States)

IRI: *partially implemented*

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Recommendation n°152: *Develop relevant legislation to resolve the issue of ownership of private media, in a spirit of transparency* (Recommended by Belarus)

IRI: *fully implemented*

Public Defender response:

In April 2012, the Constitutional Court of Georgia affirmed the constitutional complaint of the Public Defender of Georgia and repealed the provision of the Law on Broadcasting which required licensing for cable televisions. Parliament of Georgia made significant amendments to the Law of Georgia on Broadcasting on April 8, 2011 and on July 12, 2013. Namely, in accordance with the legislative amendment of April 8, 2011, it became mandatory to publicly disclose the identity of the owners and titleholders of private TV companies (among them the legal entities). Besides, certain restrictions were instituted and the following persons were prohibited to hold a license in the field of broadcasting: an administrative body; an official of an administrative body, other public servant; legal entity having a affiliation with an administrative body; a political party, an official of a political party; a legal entity registered in an off-shore zone; a legal entity shares or stocks of which are directly or indirectly owned by a person registered in an offshore zone.”

Amendments adopted on July 12, 2013 have changed the rule of electing and selecting the members of the Supervisory Board of the Public Broadcaster. The rule for electing and selecting the Board members became more representative, participated by the parliamentary opposition and the Public Defender of Georgia. With the same amendment, the principle of so-called ‘must carry’ was taken into consideration and the transit of respective broadcasters became mandatory. There is a significant amendment - so called political discussions; political talk shows became obligatory for the Public Broadcaster not only during pre-election period, but also during the period between elections. Entering into force and timely enactment of legislative amendments of 2013 were prevented by the application of the right to veto by the President of Georgia. The President used the veto because the draft law envisages termination of authority of current members of the Supervisory Board of the Public Broadcaster and staffing the Board with new members from January 1, 2014. However, the Parliament overcame the veto in accordance with the statutory regulation, and the legislative amendment, which is essential for improving the media environment in the country, entered into force on July 12, 2013.

Recommendation n°114: *Reconsider all the recommendations of the Venice Commission on the constitutional reform (Recommended by Switzerland)*

IRI: *partially implemented*

Public Defender response:

In May 2013 the Parliament of Georgia adopted the amendments to the Organic Law on Courts of General Jurisdiction of Georgia, which was in compliance with Venice Commission standards that were issued [beforehand] in previous years. Whole series of amendments have been made to the Constitution of Georgia since 2011, out of which the most significant one is the amendment of March 25, 2013. These amendments limited the authority of the President of Georgia in regards to the formation of the government. This amendment was made based on tight cooperation with the Parliamentary Opposition. Implementation of significant constitutional reforms is also planned again for 2013, more likely with the involvement of the Venice Commission and other influential international institutions.



Recommendation n°115: *Fully implement the Venice Commission and OSCE/ODIHR electoral reform recommendations, in consultation with opposition parties and civil society groups, well in advance of the 2012 and 2013 elections (Recommended by United States)*

IRI: *partially implemented*

Public Defender response:

Election legislation of Georgia mainly consists of the Constitution of Georgia, Election Code of Georgia and the Organic Law of Georgia on Political Unions. The currently effective Election Code of Georgia was adopted on December 27, 2011. Elaboration of the Code was performed based on tight cooperation, inter alia, with the Venice Commission and other influential international institutions.

Despite this, there are still some serious defects in the electoral system of Georgia. We may specifically single out the rule of formation of a single seat majoritarian constituency during the Parliamentary elections (quite big differences in the number of voters among constituencies), i.e. the issue of Voters List and possibility of so-called administrative – public resources. Rule of formation of a single-seat majoritarian constituency, in particular, and existing differences among the numbers of registered voters in respective districts now are appealed at the Constitutional Court of Georgia. The Constitutional Claim has accepted the constitutional claim, where one of the claimants is the Public Defender of Georgia, for consideration on merits. In April 2013 (see the judgment of the Constitutional Court “Besik Adamia vs. the Parliament of Georgia”), the Constitutional Court recognized that the norm of the Election Code, which envisaged the obligation to pay a so called election bail – in the amount of 5,000 GEL only for independent majoritarian candidates, unconstitutional.

Recommendation n°153: *Review the July 2009 Law on Assembly and Manifestation imposing several restrictions on the right to assembly and to demonstrate in order to ensure free and unhampered enjoyment of this right (Recommended by Czech Republic)*

IRI: *partially implemented*

Public Defender response:

Significant amendments were made to the Law of Georgia on Assembly and Manifestation in 2011. The amendments were at some extent caused by the decision passed by the Constitutional Court of Georgia on April 18 (see the “Political Union of Citizens – ‘Movement for United Georgia’, Political Union of Citizens – ‘Conservative Party of Georgia’, Citizens of Georgia – Zviad Dzidziguri and Kakha Kukava, Georgia Young Lawyers Association, Citizens Dachi Tsaguria and Jaba Jishkariani, Public Defender of Georgia vs. the Parliament of Georgia”), which recognized some provisions of this law unconstitutional.

It is noteworthy that one of the initiator of the constitutional claim and one of the claimants was the Public Defender of Georgia. The referred decision of the Constitutional Court established that the whole series of restrictions on assembly and manifestation, as envisaged in the wordings of respective laws of that time, were unconstitutional. It is important that those norms were recognized unconstitutional, which prohibited a person, who was not a citizen of Georgia, to be a person in charge of assembly or manifestation. There is another legal provision that was recognized



unconstitutional, namely, the norm that prohibits the conduct of assembly or manifestation within the radius of 20 meters of some buildings. Significant amendments were made to the Law of Georgia on Assembly and Manifestation on July 1, 2011. Special emphasis should be laid on the amendment, which makes it obligatory to inform the respective state bodies only in case if the assembly or manifestation is arranged in the place of transport traffic, and if impedes the movement.

However, it should be pointed out as well, that the issue of so-called spontaneous rallies remain to be a problem, which may result in blocking the transport traffic. Existence of a 20-meter radius is also problematic, which has already been recognized unconstitutional by the Constitutional Court. As it was mentioned above, the Constitutional Court decided that the legal provision, which prohibited the persons having no citizenship of Georgia from being the ones in charge of conducting manifestations, was unconstitutional. Another restriction was added to the law after the legislative amendment of July 1, 2011, but instead of stateless persons, the respective legal restriction also covered the citizens of other countries, which from its side can be problematic from the viewpoint of the mentioned decision of the Constitutional Court. The timeframe of 15 minutes after warning the demonstrators, which is given to the manifest organizers for rectifying the violations, is again problematic.

ESC Rights

Recommendation n^o71: *Establish appropriate solutions to combat poverty and ensure sustainable development* (Recommended by Iraq)

IRI: *partially implemented*

Public Defender response:

The Government of Georgia has elaborated whole series of sublegislative normative acts, which are aimed at reducing the poverty level in the country and implementing the programs of events for improving the social protection. With the same grounds, the amount of subsistence allowance envisaged for the families below the poverty line has doubled (however, in general, it is quite low, namely, 60 GEL per family member, which approximately equals 28 EUR). Besides, the minimum amount of pension increased and became equal to the subsistence minimum. Competent bodies are working for increasing the subsistence minimum (which is 150 GEL at this stage, about 60 EUR). There are some gaps in the state program for vulnerable people – methodology of calculation of scores in some cases fails to fully reflect the social-economic condition of beneficiaries, because of which the families on the poverty line are left without state assistance. Besides, the vulnerable people are involved in the program after assessing the residential house of a potential beneficiary. This is why the homeless people, as far as they do not have a permanent place of residence that is to be assessed by the social agent, are left without such assistance. This program was raised many times in front of the authorities, but they have not been resolved yet at this stage.



Recommendation n°72: *Continue and strengthen social dialogue to support further enjoyment of economic social and cultural rights by large segments of the Georgian population (Recommended by Algeria)*

IRI: *partially implemented*

Public Defender response:

- The Government of Georgia has elaborated whole series of sublegislative normative acts, which are aimed at reducing the poverty level in the country and implementing the programs of events for improving the social protection. With the same grounds, the amount of subsistence allowance envisaged for the families below the poverty line has doubled (however, in general, it is quite low, namely, 60 GEL per family member, which approximately equals 28 EUR). Besides, the minimum amount of pension increased and became equal to the subsistence minimum. Competent bodies are working for increasing the subsistence minimum (which is 150 GEL at this stage, about 60 EUR). There are some gaps in the state program for vulnerable people – methodology of calculation of scores in some cases fails to fully reflect the social-economic condition of beneficiaries, because of which the families on the poverty line are left without state assistance. Besides, the vulnerable people are involved in the program after assessing the residential house of a potential beneficiary. This is why the homeless people, as far as they do not have a permanent place of residence that is to be assessed by the social agent, are left without such assistance. This program was raised many times in front of the authorities, but they have not been resolved yet at this stage.
- The state is cooperating with the Swiss Agency for Development and Cooperation (SDC), namely, within the frameworks of the joint project of the City Hall of Tbilisi and SDC, social housing was constructed 3 times for the vulnerable people without shelters.

Stage I was completed in 2008, which was implemented in Tbilisi and 4 housings were constructed;

Stage [II] was completed in 2011, which was implemented in Tbilisi, Batumi, Kutaisi, Zugdidi, Gori;

Stage [III] was completed in 2013, which was implemented in Tbilisi, Batumi, Rustavi and Bolnisi.

However, these projects are not enough considering the big number of homeless people in the country (as the result of all the three stages, in total, housing needs of 168 households were met throughout the country, whereas about 3,000 households have filed application to the Tbilisi City Hall only, requesting the shelter).

With the purpose of deepening the social dialogue, the respective state bodies need to become more active and to build tighter linkages in this direction with representatives of private and international sectors.

Recommendation n°74: *Initiate adequate reforms in the health sector*
(Recommended by Sri Lanka)

IRI: *fully implemented*

COG response:

From 2013 State medical insurance is accessible for all Georgian citizens who are not using any other private insurance programs.

Public Defender response:

The health care system of Georgia was being reformed in 2011-2012, which was based on the cooperation of the public and private sectors. Namely, with the purpose of improving the access to and quality of healthcare service, which has been extremely problematic in Georgia, state insurance programs were created. The money, which was designated for providing healthcare to the public, was transferred to the private insurance companies by the state, and these companies often provided services through the clinics owned by them.

During these years only 33% of the population was insured with state programs, which was negatively reflected on the health state of the population. The state exerted main efforts for ensuring access to healthcare for vulnerable groups, though it was not comprehensive. As of the end of 2012, only the children under 6, the people with disabilities (only the I category of PWD), students, pensioners and the poorest population were insured by the state. Access to healthcare was very scarce among the children under 18, other PWD and middle-aged population.

However, other than insurance programs, there were state programs related to a particular nosology and/or age group, which more or less improved the existing situation. There was also inequality observed between the capital city and regions. Awareness on existing programs was low among the population. In this connection the Public Defender of Georgia issued numerous recommendations. The approach has changed since 2013 and other direction of the healthcare reform was identified. The state set the priority to insure the whole population through the universal insurance program. It is planned to establish a state insurance fund, and the state will itself dispose financial resources from the viewpoint of access to healthcare for the population. However, the private insurance companies will keep on operating on the market and healthcare services will be provided to the population based on the solidarity principle.

Recommendation n°95: *Ensure that evictions are carried out in full compliance with the guarantees required by international human rights law and that those who are evicted are provided with adequate housing* (Recommended by Netherlands)

IRI: *partially implemented*

Public Defender response:

Eviction of IDPs was done in two stages in 2010. There were many violations during the eviction, which are described in details in the Public Defender's report of 2010. The eviction process carried out in 2010 was evaluated negatively by various international NGOs as well.



We should welcome the fact that in 2012, unlike previous years, the IDPs were not evicted forcedly. Besides, a new practice has been established: when relocating from the collective centers, the Ministry offers alternative residential space to the IDPs or pays rent for the temporary place of residence until they get permanent residential spaces. Besides, we also welcome the development of “Standard Operational Procedures for vacation / re-allocation to other housing of IDPs with the purpose of ensuring long-term place of residence”, which was developed with participation of UNHCR, with other international NGOs.

Despite the above-mentioned, at the moment of accommodation, the state often did not consider the social, health and economic state of the IDPs. Households were not studied individually. There were cases when the IDPs residing in the capital city, who had been living in one and the same residential area, were re-allocated in remote regions in a few days. As a consequence of such approach, the IDPs left the places of new settlement in groups. Correspondingly, their long-term accommodation failed. During the accommodation the state should take into account the current situation in the area where re-allocation is going to take place, i.e. how the IDPs will be able to integrate in the new places of residence.

Recommendation n^o131: *Further efforts to promulgate and implement focused legislation, action-oriented strategies and implementation in accordance with the adopted international standards as regards gender equality and non-discrimination, advancement of persons with disabilities and fully fledged opportunities for ethnic minorities* (Recommended by Serbia)

IRI: *not implemented*

Public Defender response:

Georgia signed the UN Convention on the Rights of Persons with Disabilities (UN CRPD, December 13, 2006) and its Optional Protocol on July 10, 2009. By doing so, our country expressed its willingness to pursue the goals of the Convention and readiness to join it. Despite numerous recommendations of the Public Defender of Georgia (Report to the Parliament, 2012), international and local organizations and the people with disabilities, Georgia is reluctant to ratify the Convention.

Correspondingly, the state has not developed any mechanisms for supporting the implementation of the Convention, or the reforms coordination body and national monitoring mechanisms. Neither is there identified any agencies responsible for submitting the reports to the Committee on the Rights of Persons with Disabilities, or any other related procedures.

Recommendation n^o147: *Take appropriate measures and allocate required resources in the interest of achieving the millennium development goal on universal primary education* (Recommended by Sri Lanka)

IRI: *partially implemented*

COG response:

Ministry of education intends to create National Educational Model for children beyond education. For this purpose working group is established from representatives of Ministry and NGOs working in relevant sphere. Currently the group



is working to: identify target groups of children, to identify resources and roles of stakeholders for the final goal - support inclusion of children in educational settings.

Recommendation n^o163: *Ensure that evictions take place voluntary and without coercion* (Recommended by Sweden)

IRI: *not implemented*

Public Defender response:

During 2013, the process of forced eviction started actively against the citizens, who had occupied the temporary residential places without permission. The evicting bodies (Ministry of Internal Affairs) were mainly forcing the people to leave the buildings and constructions they had occupied. The citizens indicated that while being evicted forcibly, the representatives of authorized bodies used excessive force, which was reflected in cruel treatment. However, we are not familiar with the information about conducting any inquiry or investigation for similar violations/offences.

Recommendation n^o164: *Ensure that those evicted are urgently provided with adequate housing* (Recommended by Sweden)

IRI: *partially implemented*

Public Defender response:

There is no legal mechanism in case of evicting the homeless people from spaces they had occupied without permission that would make it possible to identify the citizens, whom the respective state body would offer alternative residential spaces in case of forced eviction.

During 2013, in some exceptional cases, the evicted people were offered alternative spaces or compensation amount. In such cases, the citizens voluntarily vacated the residential spaces. However, there are cases, when the state offers alternative space or a rent for hiring a housing to some part of the people evicted from one facility, but do not offer space or money to the other part of people. The state agencies (local government, Ministry of Health, Labor, and Social Affairs) mostly provide verbal clarification stating that these people have got other housing and this is why the state does not satisfy them. However, this process is not transparent and grounded. The office of the Public Defender of Georgia has made recommendation and public statements in August, 2013, about how the accommodation procedures should take place in case of evicting the homeless people. However, at this stage the legislative basis and practice have not been amended yet.

Recommendation n^o168: *Strengthen the labour inspectorate* (Recommended by Bulgaria)

IRI: *not implemented*

Public Defender response:

There is no consistent national policy on labor, health and work environment elaborated on the state level of Georgia, and thus, there is no monitoring mechanisms, among them the institute of a labor inspector either, that would control how much the safe environment is observed at workplace. Because of the above mentioned, the Public Defender of Georgia addressed the Government of Georgia with a recommendation on July 1, 2013, in order to take particular steps with the



purpose of adopting the legislative norms regulating the safe working environment, and establishing a state institutions in charge of monitoring (i.e. such as the labor inspection) in the nearest future.

Minorities

Recommendation n°11: *Establish institutional structures to ensure birth registration throughout the country, including of the IDP population* (Recommended by Austria)

IRI: *fully implemented*

Public Defender response:

Birth is subject to the mandatory registration, which is done by the Public Service Development Agency. There is no specific restriction for the IDPs and they can register a birth same way as other citizens.

Recommendation n°16: *Continue efforts in the field of protection of the rights of persons with disabilities* (Recommended by Azerbaijan)

IRI: *partially implemented*

COG response:

Certain committees of Georgian parliament are discussing issue of ratification on Convention on the Rights of Persons with disabilities

Public Defender response:

Ensuring equal opportunities for the people with disabilities in Georgia, absence of statistics, prejudices among the public, education and social protection, healthcare mechanisms that meet the needs of the people with disabilities, freedom of and access to information, infrastructural barriers, the role of state institutions / local governments in regards to the protection of the rights of the people with disabilities – this is an incomplete list of the problems which are directly linked to the full integration of the PWD in the society in Georgia.

Despite the state has taken into account the recommendation of the Public Defender of Georgia regarding the full coverage of the PWD in insurance programs, their special needs still are not considered in the insurance package, and neither does it envisage provision of medicines to them. Access to healthcare infrastructure remains a problem, and same applies to the qualified and trained medical personnel who would provide services to the people with disabilities.

Problem of education, vocational training and employment of the people with disabilities is still high on the agenda. Despite the inclusive education program is underway, the PWD who are chained to bed or have severely expressed disabilities cannot get education.

Despite the pension for PWD has increased in Georgia since September 1, 2013 and it equals 150 GEL today, the people employed in public service cannot get the pension (430 PWD). There are no state rehabilitation centers in the country, where



the PWD could attend courses and improve their condition in order to integrate within the society and be able to live an independent life.

There is a low awareness among the public and also among the people with disabilities as well – they do not know what rights they have, neither do they have information about the existing state services. Emergency service (112) is inaccessible for the people who do not have hearing and speaking abilities. Print or electronic information is inaccessible for the blind.

The works are not over yet for developing the 2013-2015 National Plan for ensuring equal opportunities for the PWD, which should fully reflect the needs of the PWD residing in Georgia, also the issue of allocation of financial resources for activities, responsible agencies and mechanisms for monitoring the implemented activities.

There is a problem regarding the involvement of the PWD in the decision making process; often they are represented only symbolically in the government councils, also in the state institutions / local government bodies.

Recommendation n°27: Take steps to promote intercultural and inter-religious dialogue and cooperation to strengthen non-discrimination campaigns and to enhance participation of minorities in public life to promote an inclusive society (Recommended by Philippines)

IRI: fully implemented

Public Defender response:

National Concept and Action Plan on Tolerance and Civil Integration - which was elaborated in 2008 on the basis of recommendations of the Council of National Minorities under the auspices of the Public Defender of Georgia - is being implemented. The Council of National Minorities conducts annual monitoring of the National Action Plan's implementation and presents respective monitoring results and recommendations to the Government of Georgia.

In 2010, following the recommendation by the Council of Religions under the Public Defender of Georgia, the discriminatory norm that allowed clergy of minority faiths to visit inmates in prison only with the consent of the Patriarchate of Georgia, was abolished.

In 2011, the Parliament of Georgia, in full compliance with the Council of Religion's position on the matter, passed the amendment to the Civil Code of Georgia on registration of religious organizations. According to the amendment, religious organizations, if they are willing to, can be granted with the status of "legal entity of public law".

In 2011, Constitutional Court of Georgia satisfied the Public Defender's claim and declared unconstitutional the obligation for conscientious objectors to undertake military reserve service.

In 2012, the Parliament of Georgia adopted amendments to the Criminal Code of Georgia, the Article 53 of which provides that discrimination based on religion,



ethnicity, race, sex and sexual orientation shall be considered as aggravating circumstance for every crime.

In 2013, the draft law on anti-discrimination has been elaborated, which envisages the creation of a separate state institution for fighting against all kinds of discrimination.

In 2010, following the recommendation by the Council of Religions under the Public Defender of Georgia, the discriminatory norm that allowed clergy of minority faiths to visit inmates in prison only with the consent of the Patriarchate of Georgia, was abolished.

In 2011, the Parliament of Georgia, in full compliance with the Council of Religion's position on the matter, passed the amendment to the Civil Code of Georgia on registration of religious organizations. According to the amendment, religious organizations, if they are willing to, can be granted with the status of "legal entity of public law".

Recommendation n°75: Promote a culture of tolerance and cooperation among different ethnic and religious groups, and foster greater socio-economic inclusion of the existing minorities (Recommended by Brazil)

IRI: fully implemented

Public Defender response:

Since 2006, Tolerance Center under the Public Defender of Georgia coordinates the work of two consultative bodies - the Council of National Minorities and the Council of Religions. Over time, the Councils acquired the function of inter-ethnic and inter-religious forum that initiates dialogue with the State, media and civil society.

Starting from 2010 up to date, the Council of National Minorities formed memoranda of understanding with various Ministries and State Institutions. According to these memoranda, State bodies took responsibility for implementing provisions of State Action Plan on Tolerance and Civil Integration.

Recommendation n°76: Take steps to implement the national integration strategy to ensure the participation of minorities in Georgia's cultural, social and economic life (Recommended by United Kingdom)

IRI: partially implemented

Public Defender response:

Within the framework of the National Concept and Action Plan on Tolerance and Civil Integration (adopted by the Government in 2008), various programs have been implemented for improving infrastructure, economic situation and education system in the regions densely populated by ethnic minorities.

In 2010, amendments have been introduced to the Law on Higher Education, that ensured the introduction of simplified entrance exams in higher education institutions for Armenian, Azerbaijani, Ossethian and Abkhazian minorities. As a result of this positive discrimination, unlike Georgian native speakers, above-mentioned minorities now have to pass only one entrance exam in their native language.



Since 2009 the Public Defender of Georgia marks the International Day for Tolerance on an annual basis, and grants awards to winners of media contest who contributed to promoting tolerance through media. In addition, each year, the Council of Religions and the Council of National Minorities choose and award public figures, media and civil society representatives, educational organizations, etc. who contributed to the development of tolerant society in Georgia.

Tolerance Center under the Public Defender of Georgia carries out annual quiz-contests for high-school students, during which students have to study Tolerance Center publications - "Ethnics and Religions in Georgia". Since 2011, Tolerance Center under the Public Defender administers the [website](#) which contributes to informing and educating wide society about religious and ethnic minorities in Georgia. Public Defender conducts various trainings on topics of religious and ethnic minorities; such trainings were conducted for young leaders, media representatives, police staff and other employees of the Ministry of Internal Affairs.

As for the participation of minorities in Georgia's cultural, social and economic life, despite a high level of national minority participation in regions where they densely reside, there are no effective state programs that would ensure their country-wide inclusion. However, it should be mentioned, that no discriminatory environment is in place that would hinder minority participation.

Recommendation n°77: Take measures to ensure the effective participation of minorities in the social, economic and cultural life of the country and that they are adequately represented in State institutions and public administration (Recommended by Pakistan)

IRI: not implemented

Public Defender response:

Regarding the participation of minorities in Georgia's cultural, social and economic life, despite a high level of national minority participation in regions where they densely reside, there are no effective state programs that would ensure their country-wide inclusion. However, it should be mentioned, that no discriminatory environment is in place that would hinder minority participation.

In the regions densely populated by national minorities, minorities are represented in local municipalities and public administration institutions. Several minority representatives also held high governmental positions during the last 3 years. National minorities are also represented in the Parliament of Georgia (as MPs and Deputy Heads of Parliamentary Committees). However, minority representation in central government and state institutions still remain to be unsatisfactory.

Recommendation n°78: Promote the inclusion and political participation of all ethnic minorities (Recommended by Bolivia)

IRI: fully implemented

Public Defender response:

For ensuring better participation of ethnic minorities in elections, a special Working Group has been created in 2012. The Working Group includes the Central Election Commission, representatives of Public Defender of Georgia, Council of National



Minorities under the Public Defender, and various non-governmental organizations. The Group aims at better informing national minorities about election process and its due procedures. In this regard, the Working Group performed an important work during the 2012 Parliamentary Elections. The Working Group continues its work for further elections.

Recommendation n°79: *Ensure that the policy of promoting the Georgian language is not pursued to the detriment of the linguistic rights of minorities (Recommended by Pakistan)*

IRI: *fully implemented*

Public Defender response:

National minorities have no hindrance in learning their mother tongue in the regions where they densely reside. However, Georgia does not ensure native language learning possibilities for representatives of small ethnicities.

During the last 5-6 years, the Ministry of Education and Science of Georgia actively pursues the policy of piloting the multilingual education system in secondary schools of minority-populated regions. Such schools provide the bilingual method of education, thus ensuring that school graduates are fluent both in their native tongue and the state language.

Recommendation n°82: *Consider implementing the recommendations of UNHCR with respect to refugees and IDPs (Recommended by Jordan)*

IRI: *fully implemented*

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Recommendation n°88: *Continue, in close coordination with United Nations bodies, to address the needs of IDPs, including those living in host communities (Recommended by Australia)*

IRI: *fully implemented*

Public Defender response:

The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia is actively cooperating with the Office of the UN High Commissioner for Refugees in Georgia. The UNHCR representatives participate in various commissions formed with the initiative of the Ministry, such as: the Commission on Drafting a New Law on IDPs, the Commission on Developing a Project for Regulation of Management of Eco-Migration Processes Caused by Natural Disasters in Georgia.

Currently the re-registration of IDPs is taking place throughout the whole territory of Georgia. The registration is carried out by the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia. The registration process is monitored by various international and local NGOs, and staff of the Public Defender's Office lead by the UNHCR. The UNHCR arranges regular meetings with representatives of the Ministry, who discuss the violations and problems during the registration process, and the Ministry takes most of them into consideration.



Recommendation n°84: *Give the highest priority to the implementation of the action plan for IDPs (Recommended by Netherlands)*

IRI: *partially implemented*

Public Defender response:

The 2012-2014 Action Plan for implementing the State Strategy on People Displaced Internally from Occupied Territories of Georgia – IDPs – is one of the guiding documents of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, which the Ministry is using for planning the stages of IDP accommodation and for implementing the accommodation process. However, it should be pointed out that it was not made possible to complete the stages envisaged in the Action Plan for years, and once every 2 years the deadline for completing the stages envisaged in the Action Plan were extended.

One of the reasons was that unrealistic timeframes were set by the Ministry for long-term solution for IDPs. Currently the Ministry is stating that it will satisfy all the IDPs with residential area for the next 4 years. The first stage of the Action Plan envisages long-term accommodation of the IDPs who are now living in so called collective centers; the second stage – accommodation of the IDPs residing in a private sector, and the third stage – addressing the problems of IDPs who do not need long-term accommodation. The third stage, envisaged by the Action Plan has not started yet. As for the first and second stages, they started in 2008-2009, but long-term accommodation of the majority of IDPs has not taken place yet.

Recommendation n°85: *Implement the recommendations made by the Representative of the Secretary-General on the human rights of internally displaced persons following his visit to Georgia on the eviction of IDPs and their relocation (Recommended by France)*

IRI: *partially implemented*

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Recommendation n°92: *Establish clear procedures to ensure that evictions of displaced persons are carried out respecting international norms and guaranteeing the rights to decent housing and work, and the access to health services and education (Recommended by Switzerland)*

IRI: *partially implemented*

Public Defender response:

Eviction of IDPs was done in two stages in 2010. There were many violations during the eviction, which are described in details in the Public Defender's report of 2010. The eviction process carried out in 2010 was evaluated negatively by various international NGOs as well.

We should welcome the fact that in 2012, unlike previous years, the IDPs were not evicted forcedly. Besides, a new practice has been established: when relocating from the collective centers, the Ministry offers alternative residential space to the IDPs or pays rent for the temporary place of residence until they get permanent residential spaces. Besides, we also welcome the development of "Standard Operational Procedures for vacation / re-allocation to other housing of IDPs with the purpose of ensuring long-term place of residence", which was developed with participation of UNHCR, with other international NGOs.



Despite the above-mentioned, at the moment of accommodation, the state often did not consider the social, health and economic state of the IDPs. Households were not studied individually. There were cases when the IDPs residing in the capital city, who had been living in one and the same residential area, were re-allocated in remote regions in a few days. As a consequence of such approach, the IDPs left the places of new settlement in groups. Correspondingly, their long-term accommodation failed. During the accommodation the state should take into account the current situation in the area where re-allocation is going to take place, i.e. how the IDPs will be able to integrate in the new places of residence.

Recommendation n°86: Continue efforts to find solutions to improve the situation of IDPs and refugees (Recommended by Lithuania)

IRI: *fully implemented*

Public Defender response:

There is a ministry created in Georgia for working on the IDP issues, and its main function is to improve the condition of IDPs. Despite many steps taken forward, for many years one of the key recommendations of the international and national organizations, among them the Public Defender, was to carry out the politics that would be tailored on the needs of the IDPs during the years. However, there has not been any strategy elaborated to date that would be tailored on the needs.

Recommendation n°89: Step up efforts to protect displaced persons, particularly providing assistance and access to public services on an equal basis (Recommended by Ecuador)

IRI: *fully implemented*

Public Defender response:

There are no such problems in Georgia. All the citizens, despite the IDP status, has equal access to public services. There are various activities arranged in the fields, where it is necessary to carry out certain positive activities for the IDPs by the state. For example, in 2013 the ID cards were issued for the IDPs with the initiative of the Ministry of Justice of Georgia.

Recommendation n°90: Consider exploring possible ways and means to further facilitate access to and provision of humanitarian aid and other forms of assistance to the IDP population, with a view to normalizing their living situation (Recommended by Malaysia)

IRI: *fully implemented*

Public Defender response:

The process of distribution of humanitarian assistance has not been problematic during recent years. Besides, there has not been any large volumes of humanitarian assistance imported since August, 2008. However, after the government change in 2013, the media outlets disseminated information that the new administration of the Ministry opened several sealed warehouses, which stored big volumes of humanitarian assistance intended for the IDPs (among them foodstuffs, daily consumption items, etc.). However, majority of these items were useless because of improper storage conditions. This fact provides possibility to think that the procedure of distributing the humanitarian assistance was not transparent.



Recommendation n°91: *Consider adopting a holistic approach in order to enable the totality of IDPs to sustain themselves and have access to employment, education and health care* (Recommended by Greece)

IRI: *not implemented*

Public Defender response:

There are no special programs implemented in Georgia for IDP employment, healthcare and education. In this respect their situation in regards to the rights is equalized with the situation of all the other population.

Recommendation n°93: *Take steps to protect IDPs including through the provision of durable housing solutions and by ensuring that forced evictions are carried out in accordance with international standards* (Recommended by United Kingdom)

IRI: *fully implemented*

Public Defender response:

The state has undertaken to hand over the residential space to all the IDPs in their ownership. The process of providing the IDPs with residential spaces is taking place in accordance with the Action Plan for Implementing the 2012-2014 State Strategy on People Displaced Internally from the Occupied Territories of Georgia – IDPs. The state gives residential spaces to the IDPS in ownership with a symbolic price, 1 GEL. An agreement is signed between the Ministry and the IDP and the property is registered at the Public Registry. As of today about 30,000 households were given the residential space, which is one third of the total number of the IDPs.

Recommendation n°94: *Intensify its efforts to ensure that collective centres and resettlement zones for IDPs that are still in operation meet adequate living standards, in particular access to drinking water and basic sanitation. Forced evictions should be exceptional, proceed in compliance with due process and respect the right to adequate housing for the affected population* (Recommended by Spain)

IRI: *partially implemented*

Public Defender response:

Situation at collective centers has been hard to date. Despite many collective centers were rehabilitated, due to the low quality of rehabilitation, many collective centers again started to face problems. Besides, many collective centers not only fail to meet the minimum living standards, but also it is dangerous for the health of IDPs to live there.

The list of such collective centers was made also in the Public Defender's Parliamentary Report in 2012. Despite numerous recommendations of the Public Defender, IDPs have not been re-allocated from some of the collective centers, which are about to ruin.

As for the forced eviction of IDPs, as it was mentioned, there have not been any cases like this in 2012-2013. If IDPs are relocated from collective centers, they are offered with alternative residential spaces, or the Ministry pays the rent for temporary residence until the residential spaces are handed over to the IDPs.



Recommendation n°96: *Fully integrate IDP children in the regular education system (Recommended by Austria)*

IRI: *fully implemented*

COG response:

In most cases IDP children have access to regular public schools. Even if schools are far from IDP settlements, transportation is ensured.

Public Defender response:

Primary education is free for IDP children, like all the remaining population. There is not any discriminatory approach in the education system.

Recommendation n°148: *Take steps to ensure the legal recognition of all religions and grant each religious minority the possibility of legal registration with a specific ministerial office as a legal public entity (Recommended by Holy See)*

IRI: *fully implemented*

Public Defender response:

In 2011, the Parliament of Georgia, in full compliance with the Council of Religion's position on the matter, passed the amendment to the Civil Code of Georgia on registration of religious organizations. According to the amendment, religious organizations, if they are willing to, can be granted with the status of "legal entity of public law".

Recommendation n°149: *Address the problem regarding the confiscation of places of worship and related properties of religious minorities (Recommended by Holy See)*

IRI: *not implemented*

Public Defender response:

The restitution of property confiscated from some religious associations in the Soviet period remains problematic over the years. A certain part of the property is in deplorable condition. The Armenian Apostolic Church claims the return of six religious buildings (currently non-functional) from the State. The Catholic Church has been requesting to solve the problems related to five Catholic temples, currently owned by the Orthodox Church of Georgia. The Muslim Community also claims the return of several non-functional Mosques.

Recommendation n°150: *Promote social, cultural and political respect and tolerance for religious minorities. In this regard, Ecuador agreed with the views of the Human Rights Committee about the need to take steps to ensure equal enjoyment of the right of freedom of religion or belief and to address the problems related to confiscation of places of worship and related properties of religious minorities (Recommended by Ecuador)*

IRI: *partially implemented*

Public Defender response:

One of the latest attempts of the Council of Religions to voice their problems is recommendations developed and proposed to the State institutions, higher educational institutions and media organizations with the aim to further improve tolerant environment, achieve equality and strengthen protection of religious freedom. The above recommendations were presented in 2012. Since then the Government was changed in Georgia. Consequently the Tolerance Center and the



Council of Religions started discussion of the recommendations with the new government.

Since January 2011, a new Tax Code is in force in Georgia. The new Code, similarly to the previous one, does not qualify the activities of the religious associations as economic activities; therefore, they are exempt from a number of taxes. However, this rule does not apply equally to all religious organizations. Unequal tax regime is one of the issues addressed in the above-mentioned recommendations.

Recommendation n°160: *Promote the rights of the Armenian minority in line with the recommendations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Special Rapporteur on freedom of religion or belief, as well as Council of Europe Advisory Committee of the Framework Convention for the Protection of National Minorities with close consultations with representatives of the Armenian community and the Armenian Apostolic Church (Recommended by Armenia)*

IRI: *partially implemented*

Public Defender response:

The Public Defender of Georgia, Tolerance Center under the Public Defender and the Councils for Religions and Ethnic Minorities were actively involved in responding to 2011 cases of "Armenophobia" in Georgia. Under the aegis of the Public Defender, the conference was organized to discuss topics of xenophobia, hate-speech and discrimination of Armenian minorities in particular. Each year, Public Defender raises issues related to so called disputable places of worship and the return of Armenian religious buildings to the owner.

Recommendation n°166: *Prohibit discrimination and the use of stereotypes against minority groups, so as not to qualify them publicly as "enemies", particularly in the media (Recommended by Bolivia)*

IRI: *not implemented*

Public Defender response:

No steps have been taken by the state in this regard. Unfortunately, the use of discriminatory language in media remains to be an acute problem. Hate speech became common among politicians and public figures. In 2011, after adoption of the amendment to the Civil Code on registration of religious minorities, "Armenophobic" statements were frequent in media and public speeches. In 2012, during the Parliamentary pre-election campaign, several politicians became notorious for their use of hate speech and Islamophobic and "Turkophobic" statements. Soon after the October 2012 elections, problems regarding freedom of religion emerged. In number of cases, Georgia's Muslim population were hindered by Orthodox population from exercising their right to conduct religious rites. In several villages, Muslim population were discriminated and persecuted based on religious grounds. The state did not take adequate legal measures to address these cases.

International Instruments

Recommendation n°1: *Consider accession to the remaining core international human rights instruments (Recommended by Brazil)*

IRI: *partially implemented*

Public Defender response:

The Convention on the Rights of Persons with Disabilities should be ratified in order to ensure progressive realisation of rights of disabled persons. The International Convention for the Protection of All Persons from Enforced Disappearance should be ratified in order to comply with international erga omnes obligations and ensure effective investigation of disappeared persons after 2008 Russian Georgian war.

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[see response to recommendation n° 2]

Recommendation n°2: *Consider the possibility of becoming a party to the following international instruments: the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance (Recommended by Argentina)*

IRI: *partially implemented*

Public Defender response:

Georgia signed the UN Convention on the Rights of Persons with Disabilities (December 13, 2006) and its Optional Protocol on July 10, 2009. By doing so, our country expressed its willingness to pursue the goals of the Convention and readiness to join it. Despite numerous recommendations of the Public Defender of Georgia, international and local organizations and the people with disabilities, Georgia is reluctant to ratify the Convention.

During 2012, as it was the case in recent years, NGOs and other civil society entities working on the issues of the people with disabilities in Georgia conducted events for supporting the ratification of the Convention.

On November 30, 2012, representatives of the government of Georgia participated in the conference dedicated to the International Day of People with Disability, who declared full readiness of the state for ensuring equal opportunities and proper protection of the PWD rights.

On December 26, 2012, a meeting was held at the Human Rights and Civil Integration Committee of the Parliament on the situation of PWDs in Georgia. During the meeting the committee chairperson expressed full support in regards to the ratification of the UN Convention on the Rights of Persons with Disabilities. According to the statement of the committee chairperson, the committee will be one of the key lobbyist and participant in the Convention ratification process.



At the end of the last year, Coordination Council on PWD issues was gathered under the Prime Minister of the country.

The Council acknowledged the information about ratifying the UN CRPD of December 13, 2006. On March 4 of this year, under the ordinance of the President of Georgia, the year of 2014 was declared to be the year of PWD rights, but the convention has not been ratified yet. At Parliamentary hearings in 2013, 5 out of 6 committees supported the ratification, but the process has been suspended due to the defects identified by the Legal Issues Committee of the Parliament.

Recommendation n°3: Consider ratifying of the International Convention on the Rights of All Migrant Workers and Members of Their Families, in accordance with the recommendation of the Parliamentary Assembly of the Council of Europe, as well as the Convention on the Rights of Persons with Disabilities (Recommended by Algeria)

IRI: partially implemented

Public Defender response:

Georgia signed the UN Convention on the Rights of Persons with Disabilities (December 13, 2006) and its Optional Protocol on July 10, 2009. By doing so, our country expressed its willingness to pursue the goals of the Convention and readiness to join it. Despite numerous recommendations of the Public Defender of Georgia (Report to the Parliament in 2012), international and local organizations and the people with disabilities, Georgia is reluctant to ratify the Convention.

During 2012, as it was the case in recent years, NGOs and other civil society entities working on the issues of the people with disabilities in Georgia conducted events for supporting the ratification of the Convention.

On November 30, 2012, representatives of the government of Georgia participated in the conference dedicated to the International Day of People with Disability, who declared full readiness of the state for ensuring equal opportunities and proper protection of the PWD rights.

On December 26, 2012, a meeting was held at the Human Rights and Civil Integration Committee of the Parliament on the situation of PWDs in Georgia. During the meeting the committee chairperson expressed full support in regards to the ratification of the UN Convention on the Rights of Persons with Disabilities. According to the statement of the committee chairperson, the committee will be one of the key lobbyist and participant in the Convention ratification process.

At the end of the last year, Coordination Council on PWD issues was gathered under the Prime Minister of the country.

The Council acknowledged the information about ratifying the UN CRPD of December 13, 2006. On March 4 of this year, under the ordinance of the President of Georgia, the year of 2014 was declared to be the year of PWD rights, but the convention has not been ratified yet. At Parliamentary hearings in 2013, 5 out of 6 committees supported the ratification, but the process has been suspended due to the defects identified by the Legal Issues Committee of the Parliament.



The government of Georgia has not yet started working on the ratification of the Convention for the Protection of All Persons from Enforced Disappearance. Public Defender of Georgia addressed the President of Georgia with a recommendation on August 30, 2013 and requested to ratify this treaty.

Recommendation n^o4: *Consider ratifying the Convention on the Rights of Persons with Disabilities* (Recommended by Mexico)

IRI: *fully implemented*

+

Recommendation n^o5: *Consider ratifying the Convention on the Rights of Persons with Disabilities as well as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (Recommended by India)

IRI: *partially implemented*

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Recommendation n^o102: *Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol* (Recommended by Slovenia)

IRI: *not implemented*

+

Recommendation n^o103: *Ratify the Convention on the Rights of People with Disabilities and its Optional Protocol* (Recommended by Austria)

IRI: *not implemented*

+

Recommendation n^o104: *Ratify and accede to the Convention on the Rights of Persons with Disabilities* (Recommended by China)

IRI: *not implemented*

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Recommendation n^o105: *Speed up the process of national legislation and ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol* (Recommended by Serbia)

IRI: *not implemented*

COG response:

Certain committees of Georgian parliament are discussing Convention on the Rights of Persons with disabilities

Public Defender response:

Georgia signed the UN Convention on the Rights of Persons with Disabilities (December 13, 2006) and its Optional Protocol on July 10, 2009. By doing so, our country expressed its willingness to pursue the goals of the Convention and readiness to join it. Despite numerous recommendations of the Public Defender of Georgia (Report to the Parliament in 2012), international and local organizations and the people with disabilities, Georgia is reluctant to ratify the Convention.

During 2012, as it was the case in recent years, NGOs and other civil society entities working on the issues of the people with disabilities in Georgia conducted events for supporting the ratification of the Convention.



On November 30, 2012, representatives of the government of Georgia participated in the conference dedicated to the International Day of People with Disability, who declared full readiness of the state for ensuring equal opportunities and proper protection of the PWD rights.

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The Council acknowledged the information about ratifying the UN CRPD of December 13, 2006. On March 4 of this year, under the ordinance of the President of Georgia, the year of 2014 was declared to be the year of PWD rights, but the convention has not been ratified yet. At Parliamentary hearings in 2013, 5 out of 6 committees supported the ratification, but the process has been suspended due to the defects identified by the Legal Issues Committee of the Parliament.

Recommendation n°97: Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, as well as intensify its efforts for the prompt ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Recommended by Spain)

IRI: not implemented

Public Defender response:

The government of Georgia has not yet started working on the ratification of the Convention for the Protection of All Persons from Enforced Disappearance. Public Defender of Georgia addressed the President of Georgia with a recommendation on August 30, 2013 and requested to ratify this treaty.

Recommendation n°106: Sign and ratify as soon as possible the International Convention for the Protection of All Persons from Enforced Disappearance, and recognize fully the competence of the Committee on Enforced Disappearance (Recommended by France)

IRI: not implemented

+

Recommendation n°107: Sign the International Convention for the Protection of All Persons from Enforced Disappearance (Recommended by Cyprus)

IRI: not implemented

Public Defender response:

The government of Georgia has not yet started working on the ratification of the Convention for the Protection of All Persons from Enforced Disappearance. Public Defender of Georgia addressed the President of Georgia with a recommendation on August 30, 2013 and requested to ratify this treaty.



Justice

Recommendation n°6: *Respect fully the International Covenant on Civil and Political Rights, in particular its article 14, as well as the European Convention for the Protection of Human Rights and Fundamental Freedoms, particularly its article 6, as well as adopt appropriate measures to guarantee the impartiality of its judicial system (Recommended by France)*

IRI: *partially implemented*

Public Defender response:

During 2011-2013 significant amendments were made to the legislation of Georgia on the system of common courts, out of which the most significant ones were the amendments of December 28, 2013, March 6 and May 1, 2013. The amendments were especially significant because they changed the rule of preterm termination of the authority of judges of the Supreme Court of Georgia, and an effective mechanism was established for ensuring the publicity of court sessions; rules for staffing the High Council of Justice of Georgia and those of the Disciplinary Panel of Georgia were amended and improved.

Besides, very importantly, the Disciplinary Panel of Judges has become absolutely isolated from the High Council of Justice, which represents a certain prosecutorial side at the Disciplinary Panel. On December 28, 2012 amendment was made to the organic Law of Georgia on Common Courts. Namely, paragraph 3 of the Article 42 was amended and the competency for preterm termination of authority of a judge of the Supreme Court of Georgia was transferred to the Parliament of Georgia instead of the High Council of Justice. As far as there were grounded comments regarding the independence and impartiality of the members of the High Council of Justice of Georgia (out of 15 members 4 were the members of the Parliament (a politician, among them – 3 were representatives of the parliamentary majority), and 2 members were appointed directly by the President of Georgia), such amendment is a step taken forward from the viewpoint of a more independence of the judiciary.

With the amendment of March 6, 2013, Article 131 was added to the organic law of Georgia on Common Courts, under which the court is obliged to ensure audio-video recording during the court hearing. Upon request, the court should ensure access to audio and video recordings for the sides and/or other persons, except the cases when the court passes the ruling on partial or full closure of the court session. Thus, this amendment ensured more publicity of court hearing. With the legislative amendment of May 1, 2013, which was made to the organic law of Georgia on Common Courts, the rule of forming the High Council of Justice was changed. Namely, the President of Georgia was deprived of the authority to appoint 2 members at the Council, at the expense of which the number of members elected by the Parliament of Georgia increased. Thus, as of today, the Parliament of Georgia



elects 6 members, instead of 4, at the High Council of Justice. Besides, the rule of electing the members by the Parliament was also amended.

Initially 3 members of Parliament (acting politicians) would be elected at the council, and the fourth one – head of the Committee on Legal Issues of the Parliament – was an ex officio member, however, as of today, “the Parliament of Georgia elects 6 members of the High Council of Justice of Georgia through competition, with secret voting, who are selected out of the professors and researchers working at higher educational institutions of Georgia, members of the Bar Association of Georgia and/or persons nominated by non-entrepreneurial (non-commercial) legal entities of Georgia, based on the recommendation of a supervisory collegial body of a respective organization”. Thus, the newly elected members will no longer be the members of Parliament.

Besides, the candidates elected as members of the High Council of Justice of Georgia, will be identified by the 2/3 majority of the full composition of the Parliament of Georgia, which means that the election procedure envisages participation of MPs who are not members of the Parliamentary majority. Significant amendment was made to the rule of election of judge members of the High Council of Justice. Namely, whereas initially the judge members of the High Council of Justice used to be elected by the Conference of Judges (self-governance body of judges), only based on the nomination of the Chief Justice of the Supreme Court of Georgia, now the amendments enable any member of the Conference to nominate his/her preferred candidate.

On May 1, 2013 amendments were also made to the Law of Georgia on Disciplinary Responsibility and Disciplinary Prosecution of Judges of Common Courts of Georgia. The amendments have changed the rule of electing the members of the Disciplinary Panel of judges of common courts. Whereas in accordance with the previous law, 3 members of the Disciplinary Panel used to be elected by the Conference of Judges only based on the nomination of the Chief Justice of the Supreme Court of Georgia, based on the amendments any judge participating in the Conference is granted the authority to nominate a candidate.

Significant change was introduced also in regards to the 2 members of the Panel, who are not judges. With the previously effective norms, two members were elected by the High Council of Justice from its composition (we have already talked about non-judge members of the High Council of Justice), with the amendments, they are elected by the Parliament of Georgia. Besides, such members will be selected from among the professors and researchers working at higher educational institutions of Georgia, members of the Bar Association of Georgia and/or persons nominated by non-entrepreneurial (non-commercial) legal entities of Georgia, based on the recommendation of a supervisory collegial body of a respective organization.

Recommendation n°9: Do not impede access to detention centres by other national or international oversight mechanisms different from the national preventive mechanism established by the Optional Protocol to the Convention against Torture, and adopt legislation defining and clarifying the role and responsibilities of the



Special Prevention Group in respect to the Office of the Ombudsman (Recommended by Spain)

IRI: *fully implemented*

Public Defender response:

International mechanisms have free access to closed institutions; as for the national level, there is only one mechanism like this – National Preventive Mechanism of the Ombudsman. Authorities and mandate of the latter is defined in the Organic Law of Georgia on Public Defender. Recently, Public Defender of Georgia broadened the number of NPM experts in order to ensure effective monitoring of closed institutions. New pool of experts will assist staff of current National Preventive Mechanism when conducting systemic monitoring of different regions.

Recommendation n°12: Step up relevant measures in order to protect and promote the rights of the socially vulnerable, inter alia through an enhancement of the legal system pertaining to this area (Recommended by Japan)

IRI: *partially implemented*

Public Defender response:

The Government of Georgia has elaborated whole series of sublegislative normative acts, which are aimed at reducing the poverty level in the country and implementing the programs of events for improving the social protection. With the same grounds, the amount of subsistence allowance envisaged for the families below the poverty line has doubled (however, in general, it is quite low, namely, 60 GEL per family member, which approximately equals 28 EUR). Besides, the minimum amount of pension increased and became equal to the subsistence minimum. Competent bodies are working for increasing the subsistence minimum (which is 150 GEL at this stage, about 60 EUR). There are some gaps in the state program for vulnerable people – methodology of calculation of scores in some cases fails to fully reflect the social-economic condition of beneficiaries, because of which the families on the poverty line are left without state assistance. Besides, the vulnerable people are involved in the program after assessing the residential house of a potential beneficiary. This is why the homeless people, as far as they do not have a permanent place of residence that is to be assessed by the social agent, are left without such assistance. This program was raised many times in front of the authorities, but they have not been resolved yet at this stage.

Recommendation n°21: Effectively address the recommendations of human rights treaty bodies and special procedures with respect to its human rights legislation, particularly on minorities, women and children, in order to bring them in line with international human rights law (Recommended by Jordan)

IRI: *partially implemented*

Public Defender response:

Government and Parliament of Georgia are consistently implementing the recommendations of treaty bodies on human rights in the direction of improving the women's rights (e.g. elaboration of anti-discrimination legislation, amendments in the Labor Code), but still there is a need to carry out activities in the whole range of spheres: in regards to the improvement of conditions of elderly women, enhancing the system of social assistance and sensitivity of gender equality, improving the



rehabilitation of drug addict women and improving the conditions of the women who are victims of sexual violence.

Recommendation n°30: *Implement the recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in its September 2010 report, to improve the conditions of detention in its prisons (Recommended by Canada)*

IRI: *partially implemented*

Public Defender response:

Partially fulfilled – N1, N3 and N4 penitentiary institutions are shut down, where the placement of prisoners was evaluated in the reports of the National Preventive Mechanisms as inhumane and degrading treatment; almost all the institutions were repaired, but the improvement of living conditions are still on the agenda. Recommendation of CPT on allocating the area of 4 square meters per each inmate has not been met, despite the fact that the number of inmates decreased by about 60% after the mass amnesty in 2012.

Recommendation n°31: *Study meticulously the report of the Public Defender's Office and enact the recommendations made therein to ensure that the human rights of all people deprived of their liberty are effectively protected (Recommended by Netherlands)*

IRI: *not implemented*

Public Defender response:

No special attention used to be paid to the reports of the National Preventive Mechanism of the Public Defender of Georgia in 2011-2012. The Parliament would issue a resolution after hearing the report of the Public Defender, saying that the Parliament acknowledged the report. On July 30, 2013 the Parliament issued a resolution, where it was pointed out that the Parliament of Georgia shares the recommendation offered by the Public Defender of Georgia to the state agencies and local government bodies, and resolves – all the state structures should carry out effective measures for ensuring that the situation in regards to the protection of human rights in the country are in compliance with international standards, and to fully protect the rights of the citizens of Georgia, which are guaranteed by the Constitution.

The Parliament has addressed the Government of Georgia to ensure that the respective ministries enact the recommendations of the Public Defender. Committee on Human Rights and Civil Integration Committee of the Parliament was assigned to provide the monitoring.

Recommendation n°32: *Continue to pursue appropriate policies to improve conditions in its detention facilities (Recommended by Slovakia)*

IRI: *partially implemented*

Public Defender response:

Partially fulfilled – N1, N3 and N4 penitentiary institutions are shut down; almost all the institutions were repaired, but the improvement of living conditions are still on the agenda. Recommendation of CPT on allocating the area of 4 square meters per each



inmate has not been fulfilled, despite the fact that the number of inmates decreased by about 60% after the mass amnesty in 2012.

Recommendation n°33: *Adopt measures to fight overcrowding in places of detention, by, for example, more frequently applying alternative sentences to the deprivation of liberty* (Recommended by Switzerland)

IRI: *fully implemented*

Public Defender response:

The Parliament of Georgia adopted the amnesty on December 28, 2012, and in its preamble there was a direct reference made to the necessity to decrease the number of inmates in overcrowded prisons. As the result of this amnesty, 60% of inmates left the penitentiary institutions. At the same time, the Ministry of Corrections and Legal Assistance of Georgia is actively using and implementing the institute of early conditional release

Recommendation n°34: *Further address overcrowding in prisons and ensure that minimum standards are met* (Recommended by Austria)

IRI: *partially implemented*

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Recommendation n°35: *Increase efforts, in a result-oriented manner, so as to combat prison overcrowding and to improve the human rights situation of the people detained* (Recommended by Greece)

IRI: *partially implemented*

Public Defender response:

Partially fulfilled – N1, N3 and N4 institutions are shut down, where the placement was evaluated in the reports of the National Preventive Mechanisms as inhumane and degrading treatment; almost all the institutions were repaired, but the improvement of living conditions are still on the agenda. Recommendation of CPT on allocating the area of 4 square meters per each inmate has not been met, despite the fact that the number of inmates decreased by about 60% after the mass amnesty in 2012, and, correspondingly, the problem of overcrowding was resolved.

Recommendation n°36: *Improve conditions in Georgian prisons, including in relation to overcrowding and inadequate health care* (Recommended by Australia)

IRI: *partially implemented*

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Recommendation n°37: *Take effective measures to safeguard the rights of prisoners and to improve the living conditions, including medical and health services, for detainees* (Recommended by Sweden)

IRI: *partially implemented*

Public Defender response:

Partially fulfilled – N1, N3 and N4 penitentiary institutions are shut down, where the placement was evaluated in the reports of the National Preventive Mechanisms as inhumane and degrading treatment; almost all the institutions were repaired, but the improvement of living conditions are still on the agenda. Recommendation of CPT on allocating the area of 4 square meters per each inmate has not been met, despite the fact that the number of inmates decreased by about 60% after the mass amnesty in 2012, and, correspondingly, the problem of overcrowding was resolved. Medical

service is still problematic despite the decreased number of inmates. Its integration with the civil healthcare, which has been one of the major recommendations of the Public Defender for years, has not appeared on the agenda yet.

Recommendation n°46: *Take essential steps to create an environment where rule of law is preserved* (Recommended by *Czech Republic*)

IRI: *not implemented*

Public Defender response:

Venice Commission has made several recommendations concerning rule of law requirements in the sphere of transitional justice. The Ministry of Justice of Georgia has drafted the Law on the Temporary Commission on the Miscarriage of Justice in order to review judgments rendered on criminal cases during 2004-2012. The Venice Commission has regarded this law to be incompatible with the principle of the Rule of Law and Separation of Powers enshrined in the Constitution of Georgia. The response of the Ministry of Justice has not revealed yet and it is necessary to act in accordance with rule of law requirements. Discussion about the creation of a Commission on the Miscarriage of Justice is still going on, and the government has not made final decision yet. However, it is a fact that there is a very big public demand for creating such institution. The Public Defender of Georgia stated his position regarding this issue publicly on August 12, 2013, and asked the authorities to adopt such a mechanism as soon as possible, by observing the principle of the rule of law.

Recommendation n°47: *Continue to strengthen and effectively implement the rule of law, especially through an effective reform of the judicial system, and to strengthen democratic institutions* (Recommended by *Latvia*)

IRI: *partially implemented*

Public Defender response:

New amendments were proposed by the Ministry of Justice of Georgia at the late of 2012 and it was adopted as a law. According to new regulations the composition of High Council of Justice is amended and it complies with the Venice Commission's respective standards and recommendations. In September, 2013 the Ministry of Justice additionally proposed new drafts about the life time tenure of the judges, their age limit, transfer to other court and other regulations.

Recommendation n°48: *Continue to build public trust in democratic institutions by strengthening the rule of law including as it relates to the independence of the judiciary* (Recommended by *Australia*)

IRI: *fully implemented*

Public Defender response:

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Recommendation n°51: *Continue efforts for developing trust among the population with regard to the judiciary* (Recommended by *Lithuania*)

IRI: *fully implemented*

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Recommendation n°141: *Restore the confidence of the population in judicial system* (Recommended by *Switzerland*)

IRI: -



The Venice Commission regarded the Political Prisoner's Amnesty and the Draft Law to the Temporary Commission on the Miscarriage of Justice to be incompatible with the rule of law requirements and presented the threat to the public trust of the judiciary. During 2011-2013 significant amendments were made to the legislation of Georgia on the system of common courts, out of which the most significant ones were the amendments of December 28, 2013, March 6 and May 1, 2013. The amendments were especially significant because they changed the rule of preterm termination of the authority of judges of the Supreme Court of Georgia, and an effective mechanism was established for ensuring the publicity of court sessions; rules for staffing the High Council of Justice of Georgia and those of the Disciplinary Panel of Georgia were amended and improved. Besides, very importantly, the Disciplinary Panel of Judges has become absolutely isolated from the High Council of Justice, which represents a certain prosecutorial side at the Disciplinary Panel.

With the law passed on December 28, 2012 amendment was made to the organic Law of Georgia on Common Courts. Namely, paragraph 3 of the Article 42 was amended and the competency for preterm termination of authority of a judge of the Supreme Court of Georgia was transferred to the Parliament of Georgia instead of the High Council of Justice. As far as there were grounded comments regarding the independence and impartiality of the members of the High Council of Justice of Georgia (out of 15 members 4 were the members of the Parliament (a politician, among them – 3 were representatives of the parliamentary majority), and 2 members were appointed directly by the President of Georgia), such amendment is a step taken forward from the viewpoint of a more independence of the judiciary.

With the amendment of March 6, 2013, Article 131 was added to the organic law of Georgia on Common Courts, under which the court is obliged to ensure audio-video recording during the court hearing. Upon request, the court should ensure access to audio and video recordings for the sides and/or other persons, except the cases when the court passes the ruling on partial or full closure of the court session. Thus, this amendment ensured more publicity of court hearing. With the legislative amendment of May 1, 2013, which was made to the organic law of Georgia on Common Courts, the rule of forming the High Council of Justice was changed. Namely, the President of Georgia was deprived of the authority to appoint 2 members at the Council, at the expense of which the number of members elected by the Parliament of Georgia increased.

Thus, as of today, the Parliament of Georgia elects 6 members, instead of 4, at the High Council of Justice. Besides, the rule of electing the members by the Parliament was also amended. Initially 3 members of Parliament (acting politicians) would be elected at the Council, and the fourth one – head of the Committee on Legal Issues of the Parliament – was an ex officio member, however, as of today, “the Parliament of Georgia elects 6 members of the High Council of Justice of Georgia through competition, with secret voting, who are selected out of the professors and researchers working at higher educational institutions of Georgia, members of the Bar Association of Georgia and/or persons nominated by non-entrepreneurial (non-commercial) legal entities of Georgia, based on the recommendation of a supervisory collegial body of a respective organization”.



Thus, the newly elected members will no longer be the members of Parliament. Besides, the candidates elected as members of the High Council of Justice of Georgia, will be identified by the 2/3 majority of the full composition of the Parliament of Georgia, which means that the election procedure envisages participation of MPs who are not members of the Parliamentary majority.

Significant amendment was made to the rule of election of judge members of the High Council of Justice. Namely, whereas initially the judge members of the High Council of Justice used to be elected by the Conference of Judges (self-governance body of judges), only based on the nomination of the Chief Justice of the Supreme Court of Georgia, now the amendments enable any member of the Conference to nominate his/her preferred candidate. On May 1, 2013 amendments were also made to the Law of Georgia on Disciplinary Responsibility and Disciplinary Prosecution of Judges of Common Courts of Georgia. The amendments have changed the rule of electing the members of the Disciplinary Panel of judges of common courts. Whereas in accordance with the previous law, 3 members of the Disciplinary Panel used to be elected by the Conference of Judges only based on the nomination of the Chief Justice of the Supreme Court of Georgia, based on the amendments any judge participating in the Conference is granted the authority to nominate a candidate. Significant change was introduced also in regards to the 2 members of the Panel, who are not judges.

With the previously effective norms, two members were elected by the High Council of Justice from its composition (we have already talked about non-judge members of the High Council of Justice), with the amendments, they are elected by the Parliament of Georgia. Besides, such members will be selected from among the professors and researchers working at higher educational institutions of Georgia, members of the Bar Association of Georgia and/or persons nominated by non-entrepreneurial (non-commercial) legal entities of Georgia, based on the recommendation of a supervisory collegial body of a respective organization.

Recommendation n^o49: *Strengthen its efforts to promote the independence of the judiciary* (Recommended by Greece)

IRI: *fully implemented*

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Recommendation n^o50: *Continue its efforts to implement the judicial reforms undertaken in the last years* (Recommended by Moldova)

IRI: *fully implemented*

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Recommendation n^o54: *Continue to pursue appropriate justice-system reforms with a view to strengthening its efficiency, impartiality and independence* (Recommended by Slovakia)

IRI: *fully implemented*

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Recommendation n^o139: *Implement changes that improve the independence of the judiciary, giving full consideration to the Venice Commission's concerns, particularly by establishing more objective and transparent processes for the appointment,*

discipline, and removal of judges, including during any applicable probation period (Recommended by *United States*)

IRI: *partially implemented*

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Recommendation n^o140: *Adopt all necessary measures to guarantee the full independence of the judiciary* (Recommended by *Switzerland*)

IRI: *partially implemented*

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Recommendation n^o169: *Create an environment of public trust to judiciary system in the country by carrying out a reform of the High Council of Justice and amending the law governing appointment and dismissal of judges* (Recommended by *Czech Republic*)

IRI: *partially implemented*

Public Defender response:

During 2011-2013 significant amendments were made to the legislation of Georgia on the system of common courts, out of which the most significant ones were the amendments of December 28, 2013, March 6 and May 1, 2013. The amendments were especially significant because they changed the rule of preterm termination of the authority of judges of the Supreme Court of Georgia, and an effective mechanism was established for ensuring the publicity of court sessions; rules for staffing the High Council of Justice of Georgia and those of the Disciplinary Panel of Georgia were amended and improved. Besides, very importantly, the Disciplinary Panel of Judges has become absolutely isolated from the High Council of Justice, which represents a certain prosecutorial side at the Disciplinary Panel.

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With the legislative amendment of May 1, 2013, which was made to the organic law of Georgia on Common Courts, the rule of forming the High Council of Justice was changed. Namely, the President of Georgia was deprived of the authority to appoint 2 members at the Council, at the expense of which the number of members elected by the Parliament of Georgia increased. Thus, as of today, the Parliament of Georgia



elects 6 members, instead of 4, at the High Council of Justice. Besides, the rule of electing the members by the Parliament was also amended. Initially 3 members of Parliament (acting politicians) would be elected at the Council, and the fourth one – head of the Committee on Legal Issues of the Parliament – was an ex officio member, however, as of today, “the Parliament of Georgia elects 6 members of the High Council of Justice of Georgia through competition, with secret voting, who are selected out of the professors and researchers working at higher educational institutions of Georgia, members of the Bar Association of Georgia and/or persons nominated by non-entrepreneurial (non-commercial) legal entities of Georgia, based on the recommendation of a supervisory collegial body of a respective organization”.

Thus, the newly elected members will no longer be the members of Parliament. Besides, the candidates elected as members of the High Council of Justice of Georgia, will be identified by the 2/3 majority of the full composition of the Parliament of Georgia, which means that the election procedure envisages participation of MPs who are not members of the Parliamentary majority. Significant amendment was made to the rule of election of judge members of the High Council of Justice. Namely, whereas initially the judge members of the High Council of Justice used to be elected by the Conference of Judges (self-governance body of judges), only based on the nomination of the Chief Justice of the Supreme Court of Georgia, now the amendments enable any member of the Conference to nominate his/her preferred candidate.

On May 1, 2013 amendments were also made to the Law of Georgia on Disciplinary Responsibility and Disciplinary Prosecution of Judges of Common Courts of Georgia. The amendments have changed the rule of electing the members of the Disciplinary Panel of judges of common courts. Whereas in accordance with the previous law, 3 members of the Disciplinary Panel used to be elected by the Conference of Judges only based on the nomination of the Chief Justice of the Supreme Court of Georgia, based on the amendments any judge participating in the Conference is granted the authority to nominate a candidate. Significant change was introduced also in regards to the 2 members of the Panel, who are not judges.

With the previously effective norms, two members were elected by the High Council of Justice from its composition (we have already talked about non-judge members of the High Council of Justice), with the amendments, they are elected by the Parliament of Georgia. Besides, such members will be selected from among the professors and researchers working at higher educational institutions of Georgia, members of the Bar Association of Georgia and/or persons nominated by non-entrepreneurial (non-commercial) legal entities of Georgia, based on the recommendation of a supervisory collegial body of a respective organization.

Recommendation n°52: *Continue strengthening the reform of the judiciary and the criminal justice system in order to overcome the lack of confidence (Recommended by Chile)*

IRI: *fully implemented*



Public Defender response:

For overcoming the lack of confidence New Criminal Procedure Code of Georgia introduced the Jury Trial which is actively used already in Georgian Courts. Several cases have been decided based on this procedure and the number is increasing. Besides, during 2011-2013 significant amendments were made to the legislation of Georgia on the system of common courts, out of which the most significant ones were the amendments of December 28, 2013, March 6 and May 1, 2013. The amendments were especially significant because they changed the rule of preterm termination of the authority of judges of the Supreme Court of Georgia, and an effective mechanism was established for ensuring the publicity of court sessions; rules for staffing the High Council of Justice of Georgia and those of the Disciplinary Panel of Georgia were amended and improved. Besides, very importantly, the Disciplinary Panel of Judges has become absolutely isolated from the High Council of Justice, which represents a certain prosecutorial side at the Disciplinary Panel.

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[See response to recommendation n° 49]

Recommendation n°53: *Follow up on the initiatives whose aim is to improve the judiciary and to further train judges on human rights norms and the international jurisprudence regarding treaties ratified by Georgia* (Recommended by Hungary)

IRI: *partially implemented*

Public Defender response:

According to Georgian Legislation, every candidate has to take Human Rights course in the High School of Justice and this is the precondition to become a judge. Additionally, Supreme Court of Georgia has additional department that works specifically on human rights issues and adopts respective updated documents.

However, it is a fact that these measures are not enough, because there is a very low statistics on using the international practice, among them the on using the case law of the European Court of Human Rights, by the common courts. Level of judges of common courts is quite low in regards to the knowledge of international law on human rights.

Recommendation n°55: *Further develop initiatives aimed at fighting judicial corruption, including through the implementation of adequate education of judges* (Recommended by Poland)

IRI: *partially implemented*

Public Defender response:

The President of the Supreme Court of Georgia has presented draft law which among other issues sets higher salaries for the judges of the General Jurisdiction of Georgia.

Recommendation n°56: *Carry out effective and independent investigations on excessive use of force by law enforcement officials in order to bring to justice those responsible* (Recommended by Switzerland)

IRI: *not implemented*

Public Defender response:

Number of cases were and are still being studied even at this stage by the staff of the Public Defender's Office of Georgia, where the facts of ill-treatment of citizens by the law enforcement officers and other criminal conduct were identified. Because the alleged criminal conduct of law enforcement officers against the citizens became frequent, the Public Defender of Georgia addressed the Minister of Internal Affairs of Georgia, the Minister of Justice of Georgia and the Prosecutor General of Georgia on May 29, 2013.

The Public Defender of Georgia requested not only implementation of preventive measures for preventing the criminal conduct by the law enforcement officers, but also fast response to an effective investigation of their alleged criminal activities.

Facts of using excessive force or ill-treatment of the detained persons by the law enforcement officers remains to be one of the problems, and there is a big number of referrals to the Public Defender's Office.

Effectiveness and independence of investigations carried out regarding such cases remains problematic. Often the institutional independence of the conducted investigation leaves some doubts, because the alleged crimes committed by the law enforcement officers are often investigated by the General Inspection of the Ministry of Internal Affairs, or the investigators of the Ministry of Internal Affairs itself. Although in accordance with the legislation of Georgia, the investigation performed by the Ministry of Internal Affairs is supervised by the Prosecutor's Office, it cannot provide a needed degree of independence to the investigation, because the investigative measures, which are substantial for the case, are carried out by the staff of the same agency, who are potential offenders. As for the criminal case investigation conducted by the General Inspection of the Ministry of Internal Affairs, this is a violation of the legislation of Georgia, because the General Inspection of the Ministry of Internal Affairs does not have an authority to investigate criminal cases (in accordance with the Provisions of the Ministry of Internal Affairs, the General Inspection only investigates the cases of disciplinary offence). However, a number of similar cases were reported by the Public Defender's staff. In connection to this issue, the staff of the Public Defender's Office produced respective recommendation in September 2013 for the Ministry of Internal Affairs of Georgia. At this stage there is no information about the follow-up response of the Ministry.

Recommendation n°57: Take necessary measures with the aim of ensuring that each case of abuse of power by law enforcement officers is properly investigated and perpetrators brought to justice (Recommended by Czech Republic)

IRI: not implemented

Public Defender response:

Number of cases were and are still being studied even at this stage by the staff of the Public Defender's Office of Georgia, where the facts of alleged abuse of power by the law enforcement officers were identified. Because the alleged criminal conduct of law enforcement officers against the citizens became frequent, the Public Defender of Georgia addressed the Minister of Internal Affairs of Georgia, the Minister of Justice of Georgia and the Prosecutor General of Georgia on May 29, 2013. The Public



Defender of Georgia requested not only implementation of preventive measures for preventing the criminal conduct by the law enforcement officers, but also fast response to an effective investigation of their alleged criminal activities.

Recommendation n°116: *Bring the legislation on police in line with international standards* (Recommended by *Czech Republic*)

IRI: *partially implemented*

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Recommendation n°117: *Further amend the Law on Police to bring it in line with international standards* (Recommended by *Austria*)

IRI: *not implemented*

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Recommendation n°143: *Take steps to ensure full accountability of law enforcement agencies, including by strengthening complaints procedures* (Recommended by *United Kingdom*)

IRI: *partially implemented*

Public Defender response:

The fact that now the Law of Georgia on Police is being worked on in Georgia, should be considered to be a positive step, and the Public Defender is also among the task force working on this law. The new law makes the activities of police more transparent, and broadens its scope of obligations; the list of principles is becoming wider, which is binding for every police officer and failure to meet them results in their responsibility. Besides, it should be pointed out that the represented draft law broadens the authority of police officers, regarding which the Public Defender is preparing a respective opinion. We think that this draft law will undergo number of changes before its adoption.

Recommendation n°135: *Intensify efforts to eliminate excessive use of force by law enforcement officials and protect women in detention, and ensure that relevant allegations are investigated, in order to strengthen accountability and prevent future violations* (Recommended by *Cyprus*)

IRI: *partially implemented*

Public Defender response:

During the reporting period of 2012, the staff of the Public Defender of Georgia studied the case, where the facts of alleged threat and influence by the police officers were reported during the interrogation of a 16-year old juvenile girl. Correspondingly, the Public Defender of Georgia produced a recommendation for the Prosecutor General to initiate the investigation regarding the unlawful treatment of a juvenile girl by the police officers. This recommendation was satisfied and investigation started regarding the fact of abuse of official powers by the law enforcement officers.

Recommendation n°138: *Take concrete measures to humanize the judicial system and to improve conditions of detention in prisons* (Recommended by *Russian Federation*)

IRI: *partially implemented*

Public Defender response:

Partially fulfilled – facts of ill-treatment significantly decreased since September 2012, although certain claims are still being reviewed at the Office of the Public Defender. Investigation of all the facts has started at the Office of the Prosecutor General of Georgia. Complete elimination of ill treatment again remains on the agenda. As for the living conditions of inmates, N1, N3 and N4 institutions were shut down, where the placement was evaluated in the reports of the National Preventive Mechanisms as inhumane and degrading treatment; almost all the institutions were repaired, but the improvement of living conditions are still on the agenda. Recommendation of CPT on allocating the area of 4 square meters per each inmate has not been met, despite the fact that the number of inmates decreased by about 60% after the mass amnesty in 2012, and thus the problem of overcrowding was resolved. Medical service is still problematic despite the reduction of the number of inmates. Their integration with civil healthcare, which has been one of the key recommendations of the Public Defender for years, has not appeared on the agenda yet.

Recommendation n°142: Carry out effective, impartial investigations into allegations of deaths, torture and ill-treatment caused by excessive use of force by the police and prison officials (Recommended by Hungary)

IRI: partially implemented

Public Defender response:

Before September 2012, there were investigations initiated based on the information submitted by the Public Defender of Georgia to the Office of the Prosecutor General about the facts of ill treatment, but this happened under the article on crime committed by an officer, and not under the torture. The investigations would be protracted and in fact, none of the cases ended with a verdict of guilty or any other particular result (except the one in 2010, when two ex-officers of prison were sentenced to imprisonment for power abuse). In September 2012, the mass media broadcasted videos showing torture, which was followed by unprecedented activation of investigation bodies. As of the data of December 5, 2012, tens of people were detained with accusations of ill treatment of prisoners (articles on torture or ill-treatment). Some of them have already been sentenced to the deprivation of liberty. Hundreds of facts are being investigated. The staff of the public Defender studied and even now is studying the number of cases, where the facts of ill treatment against citizens or other criminal acts are established by the law enforcement officers. Because the alleged criminal acts against citizens committed by the law enforcement officers became frequent, on May 29, 2013 the Public Defender addressed the Minister of Internal Affairs of Georgia, the Minister of Justice of Georgia and the Prosecutor General of Georgia with a proposal. The Public Defender requested to carry out preventive measures with the purpose of avoiding criminal acts by law enforcement officers, and also demanded fast reaction on and effective investigation of the alleged criminal acts committed by them.

Recommendation n°144: Adopt a more rigorous, systematic and transparent inquiry policy for the investigation of allegations of use of excessive force by its internal security forces, and that the members of its forces that are condemned for violating



the rights of the citizens be systematically held accountable for their actions
(Recommended by *Canada*)

IRI: *partially implemented*

Public Defender response:

Recommendation of the Public Defender of Georgia that all the cases of suspicious bodily injuries of a detainee should be notified to the Prosecutors Office has not been fulfilled yet, despite what the detainee indicates to be a cause of this injury. According to the established practice, the Prosecutor's Office is notified only in case if the detainee himself indicates on the excessive use of force. Besides, today such injuries are reported incompletely and inadequately at the temporary detention cells of the police, also when the prisoner is taken in at the penitentiary institution, which complicates documenting of ill treatment and collection of evidences. It is noteworthy that the Public Defender of Georgia is authorized to inquire information regarding any case, and to get familiar with the information about the ongoing investigation. However, it should also be pointed out that before the judgment on a criminal case enters its legal force, the Public Defender of Georgia is not able to inquire and get familiar with the complete case materials. Besides, the Public Defender of Georgia is deprived of possibility to get familiar with the materials of 'classified' cases.

There is a positive trend that the Ministry of Internal Affairs and the Office of the Prosecutor General of Georgia are now regularly and proactively disseminating information about the special cases having a big public interest. This increases the degree of transparency of investigation, and also increases the public trust in law enforcement structures.

Recommendation n°145: Conduct a thorough and objective investigation into the facts of the cruel treatment of demonstrators by police in Tbilisi in November 2007 and May 2009, to hold accountable those responsible and to take all necessary measures to restore the violated rights of the victims, including paying appropriate compensation (Recommended by *Russian Federation*)

IRI: *partially implemented*

Public Defender response:

On November 10, 2007, a preliminary investigation started for the criminal case #06078035, on the fact of bodily injuries of some citizens as the result of the events developed on Rustaveli Avenue and Rike area in Tbilisi on November 7, 2007. However, according to our information, no responsibility has been raised regarding particular persons at this stage. Besides, as of now, no responsibility has been imposed on anybody due to the events taken place at the Tbilisi Main Department of the Ministry of Internal Affairs on May 6, 2009. However, there is an investigation going on at the Office of Prosecutor General of Georgia regarding these cases.

In addition, there is an ongoing investigation at the Office of Prosecutor General of Georgia regarding the fact of dispersing the peaceful rally by using force on May 26, 2011, for which charge has been brought against Mr Ivane Merabishvili, the former minister of internal affairs. However, the investigation has not ended yet.

Another investigation started at the Office of Prosecutor General of Georgia regarding the facts of forced dispersal of peaceful rallies in Tbilisi on June 15, 2009,



January 3, 2011 and March 25, 2011, and regarding the criminal acts committed against the rally participants. However, investigation has not come to an end for any of the cases.

Follow-up monitoring is needed for all the above-mentioned cases, about how effectively the investigation is carried out.

Recommendation n^o167: *Level the maximum sentence of 90 days for administrative detention to that of 60 days for criminal detention (Recommended by Austria)*

IRI: *not implemented*

Public Defender response:

Despite many recommendations of the Public Defender of Georgia, the Code of Administrative Offences of Georgia still envisages administrative imprisonment for the term of 90 days. As far as we know, the authorities are not going to make any amendment in this respect at this stage

Women & Children

Recommendation n^o13: *Increase international cooperation devoted to protecting the rights of the child, of women and of migrants workers (Recommended by Philippines)*

IRI: *fully implemented*

Public Defender response:

[...] International cooperation and support has significantly increased in the field of women rights during recent years for improving the legislation and implementing the best practices. However, cooperation needs to be strengthened in certain fields in order to institute the high standards for protecting the women rights, which will be in compliance with the international experience: such fields are – increasing the participation of women in political processes, protection of women from gender-based discrimination, harassment of women at workplace, identification of sexual violence against women, prevention, response – Anna Arganashvili.

* In 1994 Georgia ratified the UN Convention on the Rights of the Child, and undertook implementation of its principles at the legislative and executive levels as well. As a state party of the convention, Georgia submits regular reports on the situation of the rights of the child in Georgia to the UN Committee on the Rights of the Child, Geneva, once every 5 years. Georgia is a member of the European Network of Ombudspersons for Children. This organization is an effective international platform for monitoring the implementation of the Convention on the Rights of the Child. Georgia Country Office of the UNICEF supports the state to implement the principles of the Convention in the country. Besides, UNICEF also supports the cooperation between the state and NGO sector working on the issues of children.

Recommendation n^o14: *Continue measures in the field of women and child's rights protection* (Recommended by Azerbaijan)

IRI: *fully implemented*

Public Defender response:

- The state is implementing the National Deinstitutionalization Plan 2013-2015
- The state is implementing the foster care program
- After shutting down the large-size orphanages of Soviet times, the children lacking care were placed in small group homes. There are 44 small group homes like this in Georgia.
- Abandonment prevention services are offered, such as the shelters for mothers and children.

Georgia is implementing the activities stipulated in the National Action Plan created based on the international standards of human rights. However, the significant drawback is the lack of monitoring of effectiveness and efficiency of these activities, and the lack of analysis of how these activities change particular variables (quality of life, inclusion, etc.).

Recommendation n^o15: *Incorporate the principle of the best interest of the child in all programmes and policies* (Recommended by Hungary)

IRI: *partially implemented*

Public Health Foundation of Georgia (PHFG) response:

The system and procedures concerning protection of children from all forms of violence is not fully child-centered and child-friendly. There is a lack of multisectoral cooperation in case of child abuse and lack of professionals with relevant skills to interview children in cases of violence. It is essential to train professionals to make the interviewing process based on the child's best interests and avoid child's additional traumatisation.

Public Defender response:

The state is implementing the following programs:

- State Program on Social Rehabilitation and Childcare for 2013 (Resolution #74 of the Government of Georgia dated March 28, 2013). Development prevention, early diagnostics.
- Small Group Homes Program for Children
- Day Care Centers for Children
- Childcare standards are developed for daycare centers (Decree of the Minister of Health, Labor and Social Affairs of Georgia #01-59/n, August 30, 2012, on Approving Childcare Standards)
- Foster Care Program
- Program for Reintegration with Biological Family.

Georgia is implementing the activities stipulated in the National Action Plan created based on the international standards of human rights. However, the significant drawback is the lack of monitoring of effectiveness and efficiency of these activities, and the lack of analysis of how these activities change particular variables (quality of life, inclusion, etc.).



Recommendation n°18: *Increase the support to children with disabilities so that they can live in the community and avoid their institutionalization* (Recommended by Canada)

IRI: *partially implemented*

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Recommendation n°19: *Increase support to children with disabilities to live in the community to avoid institutionalization* (Recommended by Denmark)

IRI: *partially implemented*

COG response:

The state program of Social rehabilitation and Child Care Exists which includes subprograms for prevention of child abandonment and support families to cope with challenges related to child disability. This subprograms include:

- Day Centers - serving child habilitation-rehabilitation and development ;
- Provision of the 0-6 years children under the risk of abandonment with artificial food products;
- Early child development - service of professionals to develop the social, cognitive, self-care and communication abilities for integration of the persons with mental and physical retardation into the society;
- Financial pension for the children with disabilities;

Besides, there is alternative care for children with disabilities - foster care. In spite of the existence of these services, it can be said that availability of such services is not ensure for all children because of restrictions by child age, social status of the family (e.g. criteria to be registered in the "unified database of the socially vulnerable families with certain rating scores, "lack of service providers, especially in regions of the country and problems in the process of definition disability status which is important for inclusion children in services. Stigma in society and mentioned problems cause remaining children in institutions.

Public Defender response:

Deinstitutionalization and supporting the linkages with a biological family of the child represents an overwhelming priority of the state within the child welfare frameworks of the Government of Georgia by developing various alternative services, although deinstitutionalization has not reached the institutions for children with disabilities. There are no small group homes for the children with disabilities in the country. Although the foster care service is underway for them, they are accompanied with a whole range of gaps, which is caused by insufficient studies of the needs of beneficiaries, a little number of respective alternative services, and the lack of their monitoring and regulations. There are frequent cases of abandoning the child because of disabilities. Their adoption process is also complicated, which is the result of stigma and stereotypes within the society. The country does not have homecare programs for the children with disabilities. On the background of the inclusive education, neither are there mechanisms for financing and monitoring the home schooling. Habilitation/rehabilitation/early prevention is inaccessible geographically, and neither it covers full number of children with needs, or whole spectrum of disabilities.



Unfortunately, the abandonment prevention service, like the deinstitutionalization process, has not reached the children with disabilities yet:

- There are no inclusive small group homes for children;
- There are daycare centers for the children with disabilities, which are financed by the Ministry of Health based on the voucher system, but the capacity of centers is 800 children and they cannot meet the demand of the whole country – more than 8,500 children with disabilities;
- Daycare centers do not envisage the specific care service for children with disabilities, based on the type and degree of disability;
- We think that one of the grounds of abandonment, especially for the families on the poverty line, is the difference between the funding envisaged for foster care program, and the funding for the program of reintegration with a biological family – a foster family gets 450 GEL per child, and 600 GEL per child with disability, whereas the biological parent gets 90 GEL a month if the child is returned to the family through the reintegration program.

[...]

Recommendation n°20: *Strengthen support to children with disabilities*
(Recommended by *Bangladesh*)

IRI: *partially implemented*

COG response:

[see response to recommendation n°18]

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Inclusive education is one of the priorities of Ministry of Education, multidisciplinary team of specialists exists to support inclusion of children with disabilities in schools, but still, there are gaps in providing effective inclusive education. In rural areas inclusive education is much more problematic, where infrastructure, professionals and attitudes towards children in society is not appropriate.

Public Defender response:

[see response to recommendation n°18]

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Activities for educating the parents of children with disabilities, for raising their awareness, also for supporting and empowering them, are carried out within the frameworks of some projects of the NGO sector; state involvement in such projects is very low, which is especially reflected on the lives of children with disabilities residing in the regions, majority of whom live in poverty.

Recommendation n°23: *Pay further attention to women's rights and gender equality issues at the policy making level* (Recommended by *Sri Lanka*)

IRI: *partially implemented*

Public Defender response:

Recently there has been some progress observed on the policy level in regards to promoting the gender equality issues. For example, under the Decree #32 of the Prime Minister of Georgia dated February 6, 2013, following positions were added to the staff roster of the Chancellery of the Government of Georgia: assistant of the Prime Minister for the issues of human rights and gender equality. However, despite



this, ensuring gender equality in various fields of state policy is still weak, among them in regards to elaboration and implementation of social, educational and healthcare policy.

Union Sapari (Sapari) response:

Partially Implemented. The action plan for gender equality fro 2011-2013 is in force, but much of the actions have not been implemented.

Recommendation n°24: *Further implement policies to advance women's role in society and combat gender-based discrimination and violence* (Recommended by Brazil)

IRI: *not implemented*

Public Defender response:

It is important that the state has strengthened its efforts for elaborating the anti-discrimination legislation in regards to the elimination of discrimination based on sex and gender identity. However, the state has not adopted any particular policy document for eliminating the discrimination, except the Gender Equality Action Plan, which cannot be considered to be a sufficient instrument for eliminating all forms of discrimination based on sex and gender identity in all the spheres of life. As evidenced by the complaints filed to the Public Defender, identification of facts of discrimination based on sex and gender identity remains to be a significant problem. We also come across with the cases of violence committed on the grounds of sex and gender identity, out of which the important one is the violence against the LGBT community on May 17, 2013 and domestic violence. According to the Report of the Public Defender of Georgia, 2013, participation of women in the decisions making process and in public life is still limited. The Ministry of Justice of Georgia has drafted an anti-discrimination law, which ensures certain advancement in this direction

Recommendation n°25: *Continue efforts to eliminate all forms of discrimination and violence against women, particularly in the labour market* (Recommended by Ecuador)

IRI: *partially implemented*

Public Defender response:

It is important that the state has strengthened its efforts for elaborating the anti-discrimination legislation in regards to the elimination of discrimination based on sex and gender identity. However, the state has not adopted any particular policy document for eliminating the discrimination, except the Gender Equality Action Plan, which cannot be considered to be a sufficient instrument for eliminating all forms of discrimination based on sex and gender identity in all the spheres of life. As evidenced by the complaints filed to the Public Defender, identification of facts of discrimination based on sex and gender identity remains to be a significant problem, especially when it has to deal with the realization of employment rights of women in the public and private sectors without discrimination. The Ministry of Justice of Georgia has drafted an anti-discrimination law, which ensures certain advancement in this direction.

Sapari response:

Partially implemented. Changes to the labor code of Georgia has been presented by the Ministry of Justice, but has not been adopted by the parliament yet.

Recommendation n°26: *Intensify efforts on gender equality* (Recommended by Spain)

IRI: *partially implemented*

Public Defender response:

Recently there has been some progress observed on the policy level in regards to promoting the gender equality issues. For example, under the Decree #32 of the Prime Minister of Georgia dated February 6, 2013, following positions were added to the staff roster of the Chancellery of the Government of Georgia: assistant of the Prime Minister for the issues of human rights and gender equality. However, despite this, ensuring gender equality in various fields of state policy is still weak, among them in regards to elaboration and implementation of social, educational and healthcare policy.

Recommendation n°38: *Reinforce mechanisms for monitoring violence and sexual abuse within the family* (Recommended by Bulgaria)

IRI: *partially implemented*

COG response:

Protection of children from abuse is one of the responsibilities of Social Service Agency. There is order "On Approving of the Procedure of Appliance (Referring) to Child Protection". Obligation of detection of facts of violation on a child is imposed to every institution, being into relation with a child, including: school, medical institution, country doctor, special institution of children, the Social Service Agency, district service or patrol police. Application may be also made by any citizen. There is a hotline. Despite mention, violence towards children in families still exist and in many cases it reflects traditional inappropriate punishing child rearing styles.

PHFG response:

Child Welfare Action Plan for 2012-2015 considers establishment of supervision protocols and improvement of management mechanism; also improvement of the control management over the quality of services for children and establishment of protocols for and integration of the supervising system over the service quality is among the planned measures.

Statutory Social Workers carry out monitoring of violence in the family setting. The monitoring mechanism to supervise and monitor fulfillment of social worker's duties is already developed and its practical integration is in progress.

Public Defender response:

Despite the state is carrying out significant activities in the field of elimination of domestic violence, absence of the system for monitoring the adequacy and effectiveness of these activities remains a gap. This is evidenced by the fact that so far only the Public Defender's reports reflect the strengths and weaknesses of these activities (monitoring). Besides, the lack of research is another important gap,



together with the non-existing practice of making evidence-based decisions in this field.

Sapari response:

Not implemented. There has not been introduced any mechanisms for the monitoring of violence within the family.

Recommendation n°39: *Intensify efforts to combat domestic violence and violence against women* (Recommended by Norway)

IRI: *partially implemented*

Public Defender response:

Despite the state is carrying out significant activities in the field of elimination of domestic violence, absence of the system for monitoring the adequacy and effectiveness of these activities remains a gap. This is evidenced by the fact that so far only the Public Defender's reports reflect the strengths and weaknesses of these activities (monitoring).

Recommendation n°40: *Give a prominent role to civil society - not least women's organizations - in efforts to address domestic violence and violence against women and place focus on strengthening public awareness* (Recommended by Norway)

IRI: *partially implemented*

Public Defender response:

Civil sector and NGOs represent leading actors in the field of fighting against domestic violence and gender-based violence, but support to them is mostly provided by the international donors, which represents a risk in regards to the stability and sustainability of their activities.

Recommendation n°41: *Ensure that there is an accessible mechanism to register cases of domestic violence and provide legal, medical and psychological advice to victims* (Recommended by Mexico)

IRI: *partially implemented*

PHFG response:

The Government of Georgia approved a document mandating Child Protection Referral Procedures (CPRP) in 2010. The aim of the document is to support the protection of children from all forms of violence within and outside the family through the establishment of a coordinated and effective protection system. The CPRP is a living document and its advancement is a continuous process along with the available resources and capacities.

10 child-friendly interviewing rooms are established in the 10 regional offices of the State Social Service Agency of the Ministry of Labor, Health and Social Affairs of Georgia. Psychological, legal and social advice/support to children affected and at-risk of violence can be provided in all regions of Georgia. This is a significant step forward; however this service is not accessible/does not cover the needs of child victims of domestic violence of the entire population.



Public Defender response:

Public services keep the registry of the cases of domestic violence, but still, the problem is that they fail to provide full legal, medical and psychological counselling. Usually, only those victims get such services from the state, who find themselves in the shelters for the victims of domestic violence. However, this resource cannot really meet the needs of those victims, who no longer need the shelter – they have already been placed in the shelter, but now they need a long-term legal, psychological and medical service at this stage.

Sapari response:

Partially implemented. New amendments to the criminal code of Georgia enables the state to have accurate statistics regarding domestic violence, but psychological advice or legal and medical advice are not offered to the victims.

Recommendation n^o42: *Continue efforts to prevent, punish and eliminate all forms of violence against women, and to overcome the stereotypes that cause gender discrimination* (Recommended by Argentina)

IRI: *not implemented*

Public Defender response:

Despite the state is carrying out significant activities in the field of elimination of domestic violence, absence of the system for monitoring the adequacy and effectiveness of these activities remains to be a gap. This is evidenced by the fact that so far only the Public Defender's reports reflect the strengths and weaknesses of these activities (monitoring). Besides, the lack of research is another important gap, together with the non-existing practice of making evidence-based decisions in this field. Continuous education campaign is carried out by the interested parties in regards to awareness-raising.

Sapari response:

Not implemented. The existing criminal legislation does not cover crimes that are directed against women and needs to be further developed and new articles introduced.

Recommendation n^o43: *Continue efforts to eliminate domestic violence against women and ensure that women are economically empowered* (Recommended by Iraq)

IRI: *partially implemented*

Public Defender response:

Despite the state is carrying out significant activities in the field of elimination of domestic violence, absence of the system for monitoring the adequacy and effectiveness of these activities remains to be a gap. This is evidenced by the fact that so far only the Public Defender's reports reflect the strengths and weaknesses of these activities (monitoring). Besides, the lack of research is another important gap, together with the non-existing practice of making evidence-based decisions in this field. Continuous education campaign is carried out by the interested parties in regards to awareness-raising. As for the economic empowerment of women, mostly the NGOs are working in this respect; the state has not carried out any comprehensive activities in this direction.



Recommendation n°44: *Take steps to prevent child labour by formulating a strategy to eliminate the worst forms of child labour* (Recommended by *Bulgaria*)

IRI: *not implemented*

Public Defender response:

- So called 'Street Children' live and work – beg – in the street. This is their, and mostly their parents' source of revenue. The parents make them beg and bring money to them. Often the parents will not let the child come home unless s/he 'earns' a certain amount of money (5 GEL on average).

Gldani Crisis Center has been functioning in Tbilisi since 2004 (it was a children's social adaptation center before), which is the only one here, and is not in other big cities, and where the street children go to seasonally. E.g. their big concentration is observed in Batumi in summer; however, there is no similar center in Batumi.

There are scarce services in this direction. This field needs:

- Statistical processing – relatively exact number of 'street children' should be verified. It is difficult to identify them because of their frequent migration from town to town, immigration from neighbor countries (e.g. inflow of ethnic Roma from Azerbaijan), and also because they flee from respective municipal and NGO services.
- Identification – majority of them is not registered, they do not have birth certificates
- Creation of a recruitment mechanism
- Creation and strengthening of socialization, socio-integration services – some of the centers should be daycare centers, and also the number of crisis centers should increase.
- Creation of a transit link – selection of proper follow-up services and prof-orientation.

In general, the problem of 'street children' needs a systemic approach.

Recommendation n°45: *Adopt specific measures to improve effectively the situation of children living in the streets of big cities and children with disabilities* (Recommended by *Algeria*)

IRI: *not implemented*

COG response:

The special subprogram of the state program (Social Rehabilitation and Child Care) offers day care services, transitional services and crisis intervention shelters for street children.

Public Defender response:

[See response to recommendation n° 44]

Recommendation n°120: *Accelerate efforts to achieve the remaining millennium development goal targets, including goal 2 on universal primary education and goal 4 on reducing infant and under-5 mortality rates* (Recommended by *Malaysia*)

IRI: -



COG response:

Ministry of education intends to create National Educational Model for children beyond education. For this purpose working group is established from representatives of Ministry and NGOs working in relevant sphere. Currently the group is working to: identify target groups of children, to identify resources and roles of stakeholders for the final goal - support inclusion of children in educational settings. Among priorities of Ministry of Health is reduction of child mortality rates. Each medical setting is responsible for informing Ministry about child death cases. According to Ministry, from February 2013 till September 2013, 0-1 years old 292 children died , 1-5 years old - 36 , 274 died before birth. Ministry of education intends to identify reasons of child or mother's death and react on it appropriately. Ministry also have health insurance program for children and some preventative programs such as vaccination, screening and illness early identification programs. Besides, protocol of Ceasarian delivery is created which will be accepted by medical settings from September 2013.

Public Defender response:

- 4th objective: mortality rate is high at infant homes and orphanages for children with disabilities. This big problem exists because of inadequate medical services (or their absence) and insufficient care.
- 2nd objective: universal primary education is mandatory and strengthened by the Law of Georgia on General Education.

Recommendation n°121: *Ensure the rights of the child, with attention to the Guidelines for the Alternative Care of Children* (Recommended by Brazil)

IRI: *partially implemented*

Public Defender response:

- Small group homes. There are 44 homes like this throughout the country.
- Day Care Centers
- Foster Care Program
- It is notable that general care standards have been developed for small group homes and day care centers, but there are no standards for foster care program. Neither is there internal and external state monitoring mechanisms for all the three services.

Recommendation n°122: *Undertake effective measures to protect children, particularly those belonging to religious minorities* (Recommended by Ecuador)

IRI: *not implemented*

Public Defender response:

The Law of Georgia on General Education does not duly envisage the interests and needs of religious minorities.

- Special dietary needs are not considered at orphanages and day care centers based on various religious beliefs.
- Religion classes are not set up so that to consider the process of spiritual development of children of various confessions.

Recommendation n°125: *Develop and implement a comprehensive set of measures to fight discrimination and protect the rights of women and children, adopt a*

comprehensive legislation to fight the sexual exploitation of children as well as corporal punishment, adopt a plan of action to combat domestic violence and create a mechanism to protect the rights of a child (Recommended by Russian Federation)

IRI: *partially implemented*

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

In rejecting recommendations to prohibit corporal punishment, Georgia asserted that its domestic legislation already prohibits all corporal punishment of children (A/HRC/17/11/Add.1, Report of the working group: Addendum).

However, the near universal acceptance of physical punishment in childrearing means that it is not generally perceived as a violent act in the same way as, for example, socially unacceptable forms of violence such as sexual violence etc, and for this reason the Convention on the Rights of the Child and other international human rights law requires the enactment of legislation explicitly prohibiting corporal punishment. This law reform has not been achieved in Georgia.

PHFG response:

Georgia has accessed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on 28 Jun 2005, however no other measures with regard to ratifying the Protocol has been made. Criminal Code of Georgia and its chapter on Human Trafficking determines the sexual exploitation, sale and any other violence concerning traditional practices involving physical or mental violence. However, it is problematic to disclose such forms of violence due to little awareness on the issue and lack of a supportive attitude by responsible persons, agencies/professionals.

Relevant professionals in Georgia do not possess sound knowledge on how to work with maltreated children, including interviewing children in cases of sexual abuse and exploitation. Professionals' trainings and development of child-friendly protocols is an ongoing process, however more large-scale intervention is required. Also there is a great need for family support service development. Involvement of health and education sectors in the prevention of child abuse and neglect.

More broad and comprehensive definition of sexual abuse has been developed and included in the amendments package to acting legislation. The definition of 'rape' will be expanded in line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

The Government of Georgia approved a new Child Welfare Action Plan (CAP) for years 2012-2015. The most relevant provisions of the CAP concerning protection of children from abuse and neglect imply decreasing the number of child abuse and neglect incidents and strengthen mechanisms for timely identification and response, increasing public awareness on the rights of the child and relevant protection mechanisms, reflecting in schools educational program issues on combating violence against children, increasing the capacity of the child helpline, etc.

In order to make planned measures and interventions effective, more efforts are needed towards implementation of the CAP directions in practice.



Public Defender response:

- Joint Decree №152/5–№496–№45/n of the Minister of Labor, Health and Social Affairs of Georgia, Minister of Internal Affairs of Georgia and the Minister of Education and Science of Georgia of May 31, 2010, Tbilisi, “On Approving the Child Protection Referral Procedures”.
- Civil Code of Georgia,
- Law of Georgia on Social Assistance,
- Law of Georgia on Police,
- Law of Georgia on the Elimination of Domestic Violence, Protection of and Support to Its Victims,
- Order #869 of the Government of Georgia dated December 10, 2008 “On Approving the Governmental Action Plan 2008-2011 on Child Welfare”,
- Cultural stereotypes in the regions does not mean interference of police in case of violence. This is why the effect of restrictive order needs to be improved. In general, various mechanisms need to be activated in the law on domestic violence. The law does exist, but it needs to be fully activated.

Recommendation n°126: *Develop legislation and measures to implement it to better protect rights of women and ensuring gender equality (Recommended by Lithuania)*

IRI: *partially implemented*

Public Defender response:

The Government and Parliament of Georgia are consistently implementing the recommendations of human rights treaty bodies in regards to the improvement of women’s rights (e.g. elaboration of an anti-discrimination legislation, amendments to the Labor Code); however, it is still needed to carry out necessary activities in many fields: for improving the situation of elderly women, increasing the sensitivity of the system of social assistance in regards to the gender equality, also for rehabilitating the drug-using women, and the women who are the victims of sexual violence.

Women's Information Center + Center for Information and Counseling on Reproductive Health (WIC) response:

“The Law about Gender Equality” has been adopted in 2010; in 2011, Georgian Parliament approved “2011-2013 National Action Plan for providing gender equality”, which aims to define and implement gender equality policy of the country, to raise awareness of the population about gender issues, to promote equal economic possibilities for men and women, to strengthen women’s political engagement, to support women’s participation in peace building processes, to foresee gender aspects in healthcare issues. The representatives of both legislative and executive branches recognize the necessity of implementing and strengthening gender equality principle and take measures to protect equally men’s and women’s rights in everyday life.

In the field of promoting gender equality and mainstreaming, following information has been presented to “Women’s Information Center” by legislative and executive institutions:

**Ministry of Labour, Health and Social Affairs of Georgia:**

By the assignment of Gender Equality Council of the Parliament of Georgia, in May 2013, the Ministry has prepared the part of 2014-2016 National Action Plan for implementing gender equality, concerning social and healthcare.;

Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia :

- In the process of implementing concrete projects, the Ministry foresees the requirements of donor organizations about gender equality. Balanced number of women and men is protected by choosing beneficiaries, traditional restrictions for women are also foreseen (for example, if husband doesn't allow her wife go to the meeting, the meeting will be held in the family). By planning profitable programs, the activities, which will facilitate men's and women's work are also foreseen.
- Joint project of the Ministry and UN "Strengthening the Possibilities of the Ministry in the Process of Implementing the Strategy and Action Plan" is being implemented. This project is important, as special attention is paid to voluntary and informed decisions of IDPs and their freedom of choice, to the dialogue with IDPs and their participation in decision making process, gender equality, children's rights and protection of other universally recognized human rights. All of these aspects will be provided through legal consultations and informational campaign. In state strategy in the process of solving IDPs' problems attention is paid to gender equality and relevant mechanisms are being implemented.
- Gender equality principle is protected in legislative acts of the Ministry and in other documents, which define the policy about IDPs. For example, the new version of "The Law about Internally Displaced Persons" and 2012-2014 state strategy and action plan of implementation state strategy about internally displaced persons from occupied territories includes the norms, which guarantee equal rights and access to state programs for women and men. The strategy about livelihoods of IDPs is being currently worked out, which declares the necessity of protection of gender equality principle.

Parliament of Georgia:

In June 2013 the training "Gender Analysis of Legislation" was held by the organization of UNDP, which has been attended by the lawyers of 15 commissions of the Parliament. The participants were informed about Georgian legislation concerning gender equality issues, providing of women's and men's equal possibilities and the methods of fighting against gender discrimination.;

Ministry of Internal Affairs of Georgia:

The employees of the Ministry took part in the trainings and events, which aimed the implementation of gender mainstreaming:

- Training "Gender Equality in Security Sector Reform (SSR)", 11-14 July 2012, Batumi. The training was held by the support of UN Women and Geneva Center for the Democratic Control of Armed Forces (DCAF).



- Training “Gender and Security Sector Reform (SSR), 11 June 2012, Gori. The training was held by the support of UN Women.
- 23 days international training program in Stockholm organized by SIDA. The aim of the training was to refine managerial skills related to the plan of implementation of UN SCR 1325, to study new methods of risk analysis and work out the projects related to UN SCR 1325.
- During last two years, in March are held the conference of policewomen by the support of the Bureau of International Narcotics and Law Enforcement Affairs of the Embassy of United States of America, which is attended by women officers of the Ministry of Internal Affairs of Georgia. During this conference most attention is paid to such issues, as women on ruling positions, mentoring skills, the strategy of success etc.

WIC response:

The Government of Georgia has to provide effective implementation of the law of Georgia “About Gender Equality” and “Action Plan for Implementing Gender Equality”;

To this end:

- Efficient institutional mechanism, providing gender mainstreaming in relevant institutions and promoting gender policy of Georgia has to be strengthened in legislative branch and creative in governmental structures (on central and local level);
- The Parliament of Georgia and the Government have to include gender mainstreaming in the process of approving new legislation or changes in current legislation;
- Sufficient funding has to be allocated from State budget in order to implement Action Plan of Gender Equality;
- Principle of gender budgeting has to be introduced in the country, in order to equalize state funding of the programs for men and women.

Sapari response:

Not implemented. No new legislative regulations has been adopted to ensure gender equality.

Recommendation n°127: *Adopt specific legislation prohibiting discrimination against women on the basis of gender or marital status (Recommended by Bulgaria)*

IRI: *not implemented*

Public Defender response:

Strengthened effort of the state is important in the direction of elaboration of anti-discrimination legislation for eliminating the discrimination on the basis of sex and gender identity. However, the state has not adopted any particular policy document for eliminating the discrimination, except the Gender Equality Action Plan, which cannot be considered to be a sufficient instrument for eliminating all forms of discrimination on the basis of sex and gender identity in all the spheres of life. As evidenced by the complaints filed to the Public Defender, identification of facts of discrimination based on sex and gender identity remains to be a significant problem, especially when this issue deals with the realization of labor rights of women without discrimination in the public and private sectors.

WIC response:

1. Anti-discrimination policy:

Constitution of Georgia is a main document, which provides the protection of each citizen from discrimination. After Georgian legislation, any action, committed by signs of sex is punishable; legislation guarantees the protection of women's right in labor, social and civil spheres. Anyway, this issue needs permanent monitoring and the government has to pay attention to the process of anti-discrimination policy.

In the field of fighting against discrimination, following information has been sent from governmental structures.

Ministry of Internal Affairs of Georgia:

In the development strategy 2013 of the Ministry, as this issue is a priority, one of the chapters is dedicated to the development and provision of anti-discriminatory policy in the Ministry.

The office of National Security Council of Georgia:

In 2012, the Council of Tolerance and Civic Integration, existing by the President of Georgia has worked out the changes of the article 53.31 of Georgian Criminal Code after the recommendations of European Commission against Racism and Intolerance (ECRI). After these changes, the crime committed by the signs of sex is considered as aggravating circumstance and is punishable by more strict sanctions.

2. Legislative regulations:

There are several legislative acts in order to promote women's rights protection; the government and Parliament of Georgia periodically work out action plans to implement more efficiently the laws in different spheres. Despite this, one of the recommendations received on 17th session of UN General Assembly concerned the problem of implementation of legislative requirements.

"Women's Information Center" agrees with this opinion; In spite of the fact, that legislative norms correspond to international standards one of the biggest problems is the implementation of the law in real life. This can be caused by the lack of information in the society, legislative gaps, established stereotypes and traditional views.

The recommendation [n° 127] has been partly foreseen by the authorities of Georgia; the government and Parliament of Georgia continues the process of changes in the legislation against women's discrimination. Executive and legislative organs of Georgia have presented the information about the changes, promoting protection of women's rights implemented during last years.

Ministry of Labour, Health and Social Affairs of Georgia:

In April 2013, the Ministry has discussed with EU the directives of Labor Code about women's rights and the fight against discrimination and undertook the obligation of implementation of these directives:

- Directive 2006/54/EC – Implementation of equal possibilities and treatment of women and men in the issues of labor and employment;



- Directive 2004/113/EC – Implementation of equal treatment in the field of the availability and supply of goods and services;
- Directive 92/85/EEC – The measures of improvement security and healthcare of pregnant or breastfeeding women and of the women after delivery;
- Directive 79/7/EEC – Progressive implementation of equal treatment of women and men in the sphere of social care.

In June 2013, some changes have been made in the Labor Code of Georgia, in which the norms of protection women's rights and prohibition of discrimination were foreseen. The articles, regulating labor issues for women are following:

- Labor relations:

Article 2.3. - Any type of discrimination due to race, color, ethnic and social category, nationality, origin, property and position, residence, age, gender, sexual orientation, limited capability, membership of religious or any other union, family conditions, political or other opinions are prohibited in employment relations;

- Overtime Labor

Article 17.2. - It is prohibited to employ the pregnant or a female who recently gave birth, person with limited capabilities for overtime work without consent of such person;

- Limitation of the Night hour work

Article 18 - Employment of an under aged person, pregnant or newly baby-born or breast-feeding female in evening hours (from 22:00 p.m. till 6:00 a.m.) and employment of a person taking care of a child under three years or with limited capabilities without his/her consent is prohibited

- Compensation of the Leave taken for the reason of pregnancy, childbirth and childcare also for adoption of the newborn

Article 29 - Leaves taken for the reason of pregnancy, childbirth and childcare also for adoption of the newborn are compensated from the state budget, according to the rule prescribed by the legislation. Employer and employee may agree on additional compensation.

- Right to Safe and Healthy Work Environment

Article 35.7. - Employer must secure protection of the pregnant female from the labor which endangers her or her fetus' conditions, physical and psychical health.

Parliament of Georgia:

By the support of UN program "Enhancing Gender Equality in Georgia" and the initiative of interagency council of implementation actions for eradication domestic violence, the package of changes in several laws was prepared in the Parliament of Georgia. The changes were caused by the necessity of elimination of existing gaps in



Georgian legislation, of strengthening legislative mechanisms of protection victims of domestic violence, and also by the convention about “Elimination and Prevention of Violence against Women and Domestic Violence” adopted on 12 April 2011 by EU and the need of reflecting the principles and norms recognized by this Convention in Georgian legislation. The package of changes is being initiated by the member of the council, MP Mrs. Guguli Magradze.

In order to strengthen legislative mechanisms of protection of domestic violence victims, changes are prepared in following legislative acts:

- ✓ Criminal Code of Georgia;
- ✓ Criminal Procedure Code of Georgia;
- ✓ The law “about Elimination Domestic Violence, Protection and Assistance of the Victims of Domestic Violence”;
- ✓ Administrative Procedure Code of Georgia;
- ✓ Administrative offences Code of Georgia;
- ✓ Imprisonment Code of Georgia;
- ✓ Law of Georgia “on Procedure of Execution of Non-custodial Punishments and Probation”;
- ✓ Law of Georgia “about Legal Assistance”;
- ✓ Law of Georgia “about Refugees’ and Humanitarian Status”;
- ✓ Law of Georgia “about the Legal Status of Foreigners and Stateless Persons”;
- ✓ Statute N747 of 24th May 2007 of the Minister of Internal Affairs of Georgia “about the Approval of the Rule of Encroachment or other Obstruction of Immovable property”.
- ✓ Legislative changes will define additional guarantees for protection of the victims of domestic violence.

WIC response:

The Government of Georgia has to provide the implementation of anti-discriminatory policy in real, every-day life; For this purpose:

- It is important that Gender Equality Council of the Parliament of Georgia monitor, how efficiently the requirements of legislation in the field of gender equality and fight against discrimination, are implemented;
- The Government and Parliament have to provide wide discussion and involvement of the society in the process of working out the law, concerning women’s rights; Engagement of Women’s non-governmental and international organizations, and the experts is particularly important - the fact, that nowadays, they are not involved in this process will cause the problems of implementation of the laws;
- We consider necessary to ratify the Convention of International Labor Organization about Maternity and EU Convention of Eradications Violence against Women (Istanbul Convention);
- The Government of Georgia has to strengthen anti-discriminatory campaign and the informing population about their rights;
- The Government has to provide judges’ informing about the mechanisms given in international acts, including CEDAW, in order to use them in certain cases.

Recommendation n^o128: *Ensure prevention of discrimination against women*
(Recommended by *Bangladesh*)

IRI: *partially implemented*

Public Defender response:

Strengthened effort of the state is important in the direction of elaboration of anti-discrimination legislation for eliminating the discrimination on the basis of sex and gender identity. However, the state has not adopted any particular policy document for eliminating the discrimination, except the Gender Equality Action Plan, which cannot be considered to be a sufficient instrument for eliminating all forms of discrimination on the basis of sex and gender identity in all the spheres of life. As evidenced by the complaints filed to the Public Defender, identification of facts of discrimination based on sex and gender identity remains to be a significant problem, especially when this issue deals with the realization of labor rights of women without discrimination in the public and private sectors.

WIC response:

It is very important to implement programs for the people below poverty line. By the information of National Statistics Office Georgia, most of the beneficiaries receiving pension or social help, are women (In 2012 311,800 of beneficiaries were men, and 545,200-women).

In order to make society more active, it's necessary to merge the activities against poverty with social mobilization and civil educational programs, consistent and purposeful work of experts living in the city and rural population in order to engage the population of villages in the activities of democratic development.

In 2013, with the support of EU has begun 5 years program (ENPARD), which includes allocate 40 million Euros for Georgia. Particular attention will be paid to gender balance at every stage of implementation of the project: activities in the field of the program will promote equal possibilities and results for men and women, in statistics system, supported by the program, will be given real data of women and men engaged in agriculture.

By the information of the government of Georgia, in the process of implementing social programs, attention is paid to gender balance:

✓ **Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia**

- The Ministry cooperates actively with international and local non-governmental organizations, which implement projects in order to improve IDPs' conditions
 - "Initiative of New Economic Opportunities" (NEO) through professional trainings gives vulnerable groups, including IDPs, the possibility to improve skills and increase their possibilities, in order to become employed.
- Since 2012, NEO is implemented in several institutes in Zugdidi, Gori, Kutaisi, Tsalenjikha, Jvari and Kobuleti, and offers the beneficiaries, including women,



limited ability persons and IDPs the trainings in sewing, hair cutting etc.; it improves as well beneficiaries' skills in construction industry, such as welding, tire roofing, electrical cabling.

Nowadays, 151 beneficiaries have successfully attended (or are attending) NEO professional trainings in Samegrelo-Zemo Svaneti, Shida Kartli and Imereti. They have improved their chances, to find jobs or become self employed. In 3 months after the end of the course, 76% of beneficiaries become employed or improved labor status. Further trainings for IDPs in order to improve their income and family average productivity are planned in the frame of NEO.

- 20 grants were issued in the frame of the project implemented by UNDP, including the grants concerning skill improvement. Despite the fact, that IDPs are not the only target group of UNDP projects, they have great will to learn skills and receive grants.
- In the projects of CHCA (Afkhazeti Fund) 7000-8000 IDPs have participated during last 5-6 years. The fund implements projects in different fields: interest free loans, small and medium grants etc.
- agriculture. Since April 2013, 116 out of 500 applications were funded. It is planned to grant 100 more applications. FAO is implementing a project, in the field of which IDPs are given needed inventory for
- CARE INTERNATIONAL implements a project especially for internally displaced women, in the frame of which, grants for small business are being issued.
- In the frame of joint project of Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia and "UN WOMEN" "Women for Equality, Peace and Development" legal clinics are created in 5 regions of Georgia (Tbilisi, Zugdidi, Kutaisi, Gori, Rustavi), which aim to give legal consultations for IDPs (especially for internally displaced women), and also, to foresee gender issues in the process of settling IDPs. They had opportunity to get free legal consultation about solving their problems and needs, such as improving living conditions, privatization, awareness-raising about their rights and freedoms, divorcing and alimentary. In the frame of the project, in 2012 legal consultation has been held for 6023 IDPs, out of which 60% are women. 137 out of 217 IDPs, which appealed to the court are women. 156 cases were solved in favor of IDPs.
- In 2012 Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia had LEPL "IDP Development Center", which implemented social projects for IDPs. By financial support of World Bank, 47 micro projects for 16 000 families were implemented. Projects aimed to solve infrastructural projects, agriculture and income issues. By the information of the Ministry, gender equality principle was foreseen maximally



in this project and the service was equally available for the beneficiaries of both sex.

✓ **Ministry of Labour, Health and Social Affairs of Georgia**

The Ministry has implemented and still continues social projects oriented to women's and children's healthcare. Following are most important projects, implemented by the Ministry in this field:

- State programs aiming reduction of women's mortality and improving their health; namely:
 - Early detection of diseases and screening, which aim to detect diseases and limit their dissemination. Program includes screening of breast cancer in women 40-70, cervical screening in women 25-60 (Statement of the government of Georgia, 15 March 2012 "Approval of State Healthcare Programs").
- Programs aiming at improving mothers' and children's health conditions:
 - One of the priorities of 2011-2015 state strategy of healthcare in Georgia "Access to quality healthcare" is the development of services for mothers and children. By the statement of the Minister of Labour, Health and Social Affairs of Georgia, National Council of Reproductive Health has been approved. The responsibility of the Council is to support the participation of governmental structures, donors, non-governmental organizations, religious organizations and private sector in different spheres of healthcare, and also, to promote the development of their coordinated activities, partnership and cooperation. In 2011, in order to improve the monitoring of children and reproductive health, special office has been created in the Center of Disease Control and Social Health, which studies and analyzes regularly the status of mother's and children's health and works out some recommendation for effective reaction from the state. On 1 February 2013, the statement "About Compulsory Notice of Cases of Mothers' and Children's Mortality" of the Minister of Labour, Health and Social Affairs has been approved; After the statement of 16th May 2013, "Coordination Council of Mothers' and Children's Health" has been created, which aims at developing the mechanisms of planning, implementing and monitoring some activities of promotion of mothers' and children's health.
- In 2013, with cooperation with UN, 3 psychological projects were planned and are being implemented:
 - Children's psychological rehabilitation
 - Free psychological consultations for IDPs and refugees in Georgian and English
 - Women's rehabilitation project



It has to be noted, that by the data of February 2013, 979 442 women and 689 458 men were using health insurance state programs.

WIC response:

The Government has to provide special programs, which will promote women to begin and develop small business;

- It is important to raise [education level] of women, particularly of those women, which are living in villages, about state programs of agriculture and the possibilities of starting business, also to promote the use of concessional credit by women in the field of developing business and farm industry;
- It is necessary to raise [education level] of women, particularly of those women, which are living in villages, and to increase the access to use of modern technologies, which will give women the opportunity to improve living conditions and develop small farm industries;
- The Government of Georgia has to include gender equality principle in the process of working out State Program, particularly in the direction of social, healthcare and small business development;
- Gender sensitive State strategy has to be worked out for different vulnerable groups, including the improvement of living conditions of IDPs and socially disadvantaged people, which will promote the protection of gender balance during implementing state policy;
- In the process of giving living spaces to beneficiaries, the Government has to pay attention to women's special needs and provide praiseworthy and liveable spaces for single, widowed, elder mothers.

Recommendation n°129: *Adopt initiatives to ensure gender-sensitive poverty eradication programmes and strategies* (Recommended by *Bangladesh*)

IRI: *not implemented*

Public Defender response:

Recommendation offered by the Public Defender of Georgia in 2012 has not been taken into consideration yet, which is based on the recommendation for Georgia by the United Nations Committee on the Elimination of Discrimination against Women on providing the gender sensitive social protection and assistance system (among the poverty elimination program). As of today, because of the current regulation, the women, who is a victim of domestic violence, has to choose between the status of a victim of domestic violence and a beneficiary of a poverty elimination program, which makes it difficult for the state to respond to the cases of domestic violence.

WIC response:

[See response to recommendation n° 128]

Recommendation n°130: *Enhance measures to promote gender equality and gender mainstreaming in public institutions, policies and programmes* (Recommended by *Philippines*)

IRI: *partially implemented*

Public Defender response:

As the result of parliamentary elections held in Georgia in 2012, the number of women MPs increased from 6% to 10.8%. Despite this, however, this remains to be a



low indicator of women's involvement in the decision making process. Women's representation at the decision-making positions within state agencies is also low. Gender mainstreaming in existing programs and policy directions is weak. In this respect the staff of the Public Defender of Georgia stands out, which is working on developing a gender mainstreaming strategy document for 2013-2016 in all the activities of implementing the Public Defender's mandate, supported by the UN Women.

WIC response:

Recommendation [n° 130], received during 17th session of universal periodic review [...] was rejected by Georgian government, because political parties have not supported this initiative in the process of working on the law about gender equality. In December 2011, changes entered in the law about "Citizen's Political Unions": Political party, which participates in elections will get 10% additional funding, if there will be at least 20% of different sex in every 10 candidates presented in the list. This year Gender Council of the Parliament of Georgia with non-governmental organizations working on women's issues, has prepared and presented to the Parliament legislative initiative, which concerns 30% additional funding for political parties, if there will be at least 30% of different in every 10 candidates presented in their list. The Parliament of Georgia has discussed the recommendation of Gender Equality Council and in July has changed the law of Georgia "About Political Unions". But this article will enter into force after self-government elections of 2014.

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The Government of Georgia has to provide effective implementation of the law of Georgia "About Gender Equality" and "Action Plan for Implementing Gender Equality"; To this end:

- Efficient institutional mechanism, providing gender mainstreaming in relevant institutions and promoting gender policy of Georgia has to be strengthened in legislative branch and creative in governmental structures (on central and local level);
- The Parliament of Georgia and the Government have to include gender mainstreaming in the process of approving new legislation or changes in current legislation;
- Sufficient funding has to be allocated from State budget in order to implement Action Plan of Gender Equality;
- Principle of gender budgeting has to be introduced in the country, in order to equalize state funding of the programs for men and women.

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In order to strengthen women in politics, relevant legislative changes has to be approved, which will provide maintenance and future increase of women's current quantity in the Parliament of Georgia;

- Gender Equality Council of the Parliament of Georgia has to lobby the changes of "Elections Code" of Georgia among the members of Georgian Parliament and in political parties;
- In executive and legislative structures has to be implemented such policy, which will provide equal employment of men and women at high positions.



Sapari response:

Not implemented. No specific measures to improve women representation in legislative and executive bodies has been implemented. women representation on decision making positions remain extremely low.

Recommendation n°132: *Adopt political, legislative and administrative measures guaranteeing a higher representation of women in decision-making, as well as in senior positions in all areas of the public administration (Recommended by Spain)*

IRI: *partially implemented*

Public Defender response:

For strengthening the women's representation on decision-making position, one of the steps taken forward is the elaboration of the Decree of the Parliament of Georgia dated December 27, 2011 "Development of the 2012-2015 National Action Plan for implementing the resolutions ##1325, 1820, 1888, 1889 and 1960 of the UN Security Council "On Women, Peace and Security"", implementation of which is monitored by the Public Defender. However, in this direction there is a lack of special political, legislative and administrative measures, which would support the representation of women at decision-making bodies.

WIC response:

The level of women's engagement in civil and political life in Georgia is not yet in compliance with democratic values and standards. Georgia has totally accepted the recommendations received during 17th session of universal periodic review of UN General Assembly: the government of Georgia has made a commitment to implement relevant activities, in order to improve the increase of women's political and civil involvement. **The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia** has given information about the implementation of this recommendation:

In spring 2013, a memorandum of cooperation has been signed by the Ministry and non-governmental organization "Gender Justice", which includes informing population about gender equality and women's issues in Georgia and acting the role of a guide in this field; also awareness raising about peace building issues and UN SCR 1325, 1820, 1888, 1889 and 1960. In the framework the access will be provided to the issues, such as diplomacy and the necessity of women's engagement in conflict solving process. Memorandum includes informing and holding trainings for internally displaced women in this field, in order to improve their skills.

In the frame of this memorandum, the training about these resolutions for the employees of the Ministry has already been held ; the trainings about UN SCR 1325 has also been organized for women and girls living in IDPs' 2 compact settlements in Tbilisi.

"Women's Information Center" tried to present maximally comprehensive report about the implementation of recommendations received at 17th session of Universal Periodic Review of UN General Assembly. In the process of working out the report, organization faced to some gaps, as governmental structures have not given information during the term defined; some of the institutions have not presented at all



their activities of 2011-2013 in the frame of improving women's rights situation in the country.

In total, it should be emphasized, that the government of Georgia made some steps in order to implement the recommendations received at 17th session of Universal Periodic Review of UN General Assembly.

The activities of Georgian executive and legislative branches in terms of popularization of gender equality mainly correspond to the requirements of 106.27, 106.30, 106.33 recommendations. Some of the Ministries and the Parliament of Georgia undertook some measures in order to protect gender equality principle in their institution, trainings are held for the employees of the institutions, equal access to both men and women beneficiaries to state programs is guaranteed. But we consider, that it is necessary to work out and undertake additional mechanisms and activities in order to implement efficient gender policy in Georgia.

It should be noted, that educational programs and activities in the field of gender mainstreaming are mainly implemented by non-governmental organizations with the support of donor organizations: UN Women, UNDP, DCAF, the Bureau of International Narcotics and Law Enforcement Affairs of the Embassy of United States of America and other organizations. It is unfortunate, that state structures do not take responsibility, to implement educational programs in order to raise gender awareness of their staff and efficiently implement national and international obligations in the field of gender equality.

Despite the guarantees given in Georgian legislation, the situation in the field of elimination of gender equality in the country is not really desirable. The norms of legislative acts are in compliance with internationally recognized principles, but the problem is to implement anti-discriminatory legislative policy into real life.

The Government of Georgia recognizes, that women's rights situation in labor relations need more guarantees. There are problems in the field of access to justice, in the process of efficient use of existing international mechanisms (for example, the requirements of CEDAW convention); Traditional views and stereotypes obstruct women's legislative initiatives.

The programs in the field of fighting against poverty are implemented by international organizations, and there are no programs of fighting against poverty in women, initiated by the state. It should be mentioned, that by the information of the Ministry of Labour, Health and Social Affairs and the Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees of Georgia, the Government of Georgia foresees gender balance in the process of implementing social programs and includes some concessions for the beneficiaries of both sex. But women's and girls' needs, which are necessary for their decent life and development reveal during the study of real conditions of beneficiaries of social programs.

The law of Georgia "About Political Unions of Citizens" does not oblige political parties to protect gender balance in their lists, but it is incentive. This norm does not



promote gender balance in representative organs and the implementation of the recommendation N106.30, received during the session of Universal Periodic Review.

In March 2013, women's rights non-governmental organizations worked out legislative initiative in order to make changes in "Elections Code" of Georgia. This initiative promotes maintenance of women MPs on central and local level, what will be regulated by the law. Organizations have prepared a petition with the requirement of discussing the initiative, which has been signed by the representatives of 37 organizations. The initiative was sent the Parliament of Georgia, but the changes into "Elections Code" were not approved.

We can say, that the changes implemented in the legislation, are positive, but they are not sufficient and can't change the situation in the field of women's political engagement and participation.

The Government of Georgia totally agrees with the recommendation about the necessity of increase women's participation in civil life, received at the session of Universal Periodic Review. But proceeding to the information, presented by the Ministries, the steps of the Government, made in this field, are not enough. The Government of Georgia has to keep on implementing some activities in this direction.

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Increase of women's participation in civil life is directly related to the popularization of gender equality and anti-discriminatory legislation. The Government of Georgia has to provide gender mainstreaming especially in those regions, where traditional views are still strong; • The Ministry of Education and Sciences of Georgia has to work out gender sensitive strategy for the activities in pre-school, general and high educational institutions; • Special mechanisms for convicted women has to be created in penitentiary system, which will provide their professional retraining and creation of their own revenue.

Sapari response:

Not implemented. No specific measures to improve women representation in legislative and executive bodies has been implemented. Women representation on decision making positions remain extremely low.

Recommendation n°133: *Adopt new measures to strengthen the participation of women in the decision-making process (Recommended by Algeria)*

IRI: partially implemented

Public Defender response:

For strengthening the women's representation on decision-making position, one of the steps taken forward is the elaboration of the Decree of the Parliament of Georgia dated December 27, 2011 "Development of the 2012-2015 National Action Plan for implementing the resolutions ##1325, 1820, 1888, 1889 and 1960 of the UN Security Council "On Women, Peace and Security"", implementation of which is monitored by the Public Defender. However, in this direction there is a lack of special political, legislative and administrative measures, which would support the representation of women at decision-making bodies.

WIC response:

[See response to recommendation n° 126]

Sapari response:

Not implemented. No specific measures to improve women representation in legislative and executive bodies has been implemented. women representation on decision making positions remain extremely low.

Recommendation n°134: *Adopt measures to increase the level of representation of women in the legislative and executive bodies (Recommended by Bulgaria)*

IRI: not implemented

Public Defender response:

For strengthening the women's representation on decision-making position, one of the steps taken forward is the elaboration of the Decree of the Parliament of Georgia dated December 27, 2011 "Development of the 2012-2015 National Action Plan for implementing the resolutions ##1325, 1820, 1888, 1889 and 1960 of the UN Security Council "On Women, Peace and Security", implementation of which is monitored by the Public Defender. However, in this direction there is a lack of special political, legislative and administrative measures, which would support the representation of women at decision-making bodies.

WIC response:

[See response to recommendation n° 132]

Sapari response:

Not implemented. No specific measures to improve women representation in legislative and executive bodies has been implemented. women representation on decision making positions remain extremely low.

Recommendation n°136: *Develop legislation to explicitly prohibit all forms of corporal punishment of children in all settings, in accordance with the recommendations of the Committee on the Rights of the Child (Recommended by Mexico)*

IRI: not implemented

GIEACPC response:

In rejecting this recommendation, Georgia asserted that its domestic legislation already prohibits all corporal punishment of children (A/HRC/17/11/Add.1, Report of the working group: Addendum). However, the near universal acceptance of physical punishment in childrearing means that it is not generally perceived as a violent act in the same way as, for example, socially unacceptable forms of violence such as sexual violence etc, and for this reason the Convention on the Rights of the Child and other international human rights law requires the enactment of legislation explicitly prohibiting corporal punishment. This law reform has not been achieved in Georgia.

PHFG response:

The Criminal Code of Georgia (CCG) institutes punitive sanctions for physical violence against child. Repeated battery or other violence that has resulted in the physical suffering of the victim but has not produced serious health injuries is also



prohibited by the CCG. Nonetheless, abolition of corporal punishment in all settings currently is not an issue for consideration.

The Law on the ‘Elimination of Domestic Violence, Protection of and Assistance to Victims of Violence’ enables to detect violence in the family and pursue punitive measures towards the perpetrator not only for minor physical injuries, but also for emotional violence. This law is less effective in case of children, thus amendments to the acting legislation for strengthening response mechanisms on domestic violence incidents against children is under the review process by the Parliament of Georgia. Despite anticipated legislative amendments towards strengthening response mechanisms on protection of children from violence, there is not flexible, effective, accessible and timely system of remedy and redress in Georgia.

Public Defender response:

- Referral of 3 ministers on violence
- Law on General Education – article on physical abuse
- There are no effective mechanism for enforcing the law, or monitoring of law enforcement. Existence of a big number of facts of physical violence against children at schools by teachers and administration requires elaboration of mechanisms for activating the dead articles of the law.

Sapari response:

Not implemented. Corporal punishment of children is widely practiced in families and there are cases of corporal punishment in educational institutions as well.

Recommendation n°137: *Provide children who work or live in the streets with recovery and social reintegration services (Recommended by Hungary)*

IRI: not implemented

COG response:

The special subprogram of the state program (Social Rehabilitation and Child Care) offers day care services, transitional services and crisis intervention shelters for street children.

Public Defender response:

- So called ‘Street Children’ live and work – beg – in the street. This is their, and mostly their parents’ source of revenue. The parents make them beg and bring money to them. Often the parents will not let the child come home unless s/he ‘earns’ a certain amount of money (5 GEL on average).

Gldani Crisis Center has been functioning in Tbilisi since 2004 (it was a children’s social adaptation center before), which is the only one here, and is not in other big cities, and where the street children go to seasonally. E.g. their big concentration is observed in Batumi in summer; however, there is no similar center in Batumi.

There are scarce services in this direction. This field needs:

- Statistical processing – relatively exact number of ‘street children’ should be verified. It is difficult to identify them because of their frequent migration from town to town, immigration from neighbour countries (e.g. inflow of ethnic Roma



from Azerbaijan), and also because they flee from respective municipal and NGO services.

- Identification – majority of them is not registered, they do not have birth certificates
- Creation of a recruitment mechanism
- Creation and strengthening of socialization, socio-integration services – some of the centers should be daycare centers, and also the number of crisis centers should increase.
- Creation of a transit link – selection of proper follow-up services and pro-orientation.

In general, the problem of ‘street children’ needs a systemic approach.

Recommendation n^o171: *Georgia is firmly committed to enhancing the protection and reintegration of street children and has taken significant steps towards these ends, including the creation of designated day-care centers, pursuant to 2008-2011 Governmental Action Plan on Child Welfare. (Recommended by Georgia)*

IRI: *fully implemented*

COG response:

The special subprogram of the state program (Social Rehabilitation and Child Care) offers day care services, transitional services and crisis intervention shelters for street children.

Recommendation n^o172: *Georgia is working actively to meet all Millennium Development Goals including those on universal primary education and reduction of infant and under-5 mortality rates. Georgia will remain firmly committed to these efforts. (Recommended by Georgia)*

IRI: *partially implemented*

COG response:

Ministry of education intends to create National Educational Model for children beyond education. For this purpose working group is established from representatives of Ministry and NGOs working in relevant sphere. Currently the group is working to: identify target groups of children, to identify resources and roles of stakeholders for the final goal - support inclusion of children in educational settings. Among priorities of Ministry of Health is reduction of child mortality rates. Each medical setting is responsible for informing Ministry about child death cases. According to Ministry, from February 2013 till September 2013, 0-1 years old 292 children died , 1-5 years old - 36 , 274 died before birth. Ministry of education intends to identify reasons of child or mother's death and react on it appropriately. Ministry also have health insurance program for children and some preventative programs such as vaccination, screening and illness early identification programs. Besides, protocol of Ceasarian delivery is created which will be accepted by medical settings from September 2013.



Other

Recommendation n°7: *Continue efforts in establishing institutions to protect and guarantee human rights and to provide sufficient resources to these institutions* (Recommended by Germany)

IRI: *fully implemented*

Public Defender response:

In 2013 The Inspector of Data Protection was elected and its office is being formed currently. This will enable to have effective data protection regulations implemented in practice. Additionally, the Ministry of Justice of Georgia proposed creation of Inspector on Discrimination which will have the functions of equality body in Georgia. Ministry adopted the draft law.



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.



UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.



Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
8	Build capacities and comply with international commitments	Iraq	Accepted	4	General
10	Strengthen capacity, including that of the Prosecutor-General's Office, to examine allegations of torture and ill-treatment as recommended by the Committee against Torture	Denmark	Accepted	4	Torture and other CID treatment, Treaty bodies
17	Continue with its efforts to protect and integrate in the society all persons with disabilities	Ecuador	Accepted	2	Disabilities
28	Implement the national plan of action against ill-treatment 2011-2013	Moldova	Accepted	5	National plan of action, Torture and other CID treatment
29	Approve the plan of action 2011-2013 against torture and ill-treatment in the context of comprehensive measures to combat torture	Kazakhstan	Accepted	5	National plan of action, Torture and other CID treatment
60	Take steps to ensure equal enjoyment of the right of freedom of religion or belief and ensure freedom of speech and of the press	Bulgaria	Accepted	4	Freedom of opinion and expression, Freedom of religion and belief, Freedom of the press
61	Adopt appropriate measures to ensure equal enjoyment of the right to freedom of religion or belief	Slovakia	Accepted	4	Freedom of religion and belief
62	Ensure equal enjoyment of the right of freedom of religion or belief, both de jure and de facto	Denmark	Accepted	4	Freedom of religion and belief
63	Reduce the length of alternative service for conscientious objectors so that it is the same length as the military service	Slovenia	Accepted	5	Freedom of religion and belief
67	Take all necessary steps to promote an environment which would allow freedom of expression to be enjoyed without undue impediment	Greece	Accepted	4	Freedom of opinion and expression
73	Consider the possibility of increasing or matching resources toward socio-economic and development programmes aimed at, among others, further alleviating poverty and reducing unemployment	Malaysia	Accepted	3	Development, Poverty



80	Provide information, as requested by the International Labour Organization, on the implementation of measures to promote the participation of ethnic minorities in the labour market in the public and private sectors	Kazakhstan	Accepted	5	Labour, Minorities
81	Protect rights of migrants and their families	Iraq	Accepted	4	Migrants
83	Strengthen policies and seek international cooperation to ensure the rights of internally displaced people, including measures for their return or resettlement	Brazil	Accepted	4	Internally displaced persons, Technical assistance
87	Consider additional measures of protection for displaced persons	Chile	Accepted	3	Internally displaced persons
98	Sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Spain	Accepted	5	International instruments, Rights of the Child
99	Accede to the human rights treaties to which it is not a party yet, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Ecuador	Rejected	5	International instruments, Migrants
100	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Bolivia	Rejected	5	International instruments, Migrants
101	Ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Kyrgyzstan	Rejected	5	Disabilities, International instruments, Migrants
108	Ratify the 1954 Convention relating to the Status of Stateless Persons	Slovakia	Accepted	5	International instruments
109	Ratify the 1961 Convention on the Reduction of Statelessness	Slovakia	Rejected	5	International instruments
110	Ratify the Convention on the Reduction of Statelessness	Bolivia	Rejected	5	International instruments
111	Ratify the Convention on the Status of Stateless Persons	Bolivia	Accepted	5	International instruments
112	Comply effectively with Security Council resolution 1866 (2009) which urges to refrain from the use of force or from any act of ethnic discrimination against persons, to protect those affected, including refugees and IDPs and their property, to ensure their right to freedom of movement and residence within the borders of the State, and to facilitate unimpeded humanitarian assistance in conditions of dignity and security for these vulnerable groups	Venezuela	Rejected	4	Freedom of movement, Internally displaced persons, Racial discrimination



118	Amend legislation, public policies and programmes to comply with its international commitments against all forms of discrimination, as stipulated in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women	Bolivia	Accepted	5	International instruments, Racial discrimination, Women's rights
119	Promote at the social, economic, legislative and judicial levels the development of a general environment that ensures the protection of the fundamental freedoms of all citizens. In particular, adopt and implement a national strategy to guarantee freedom of the press and ensure that complaints of violations of these rights are investigated promptly and impartially	Belgium	Accepted	4	Freedom of the press
123	Implement the recommendations of treaty bodies and take concrete measures to increase the representation of national minorities in the Government and administrative bodies	Russian Federation	Rejected	5	Minorities, Treaty bodies
124	Provide regular updates to the Human Rights Council on the implementation of the recommendations adopted during the review	Hungary	Accepted	5	UPR process
151	Take the lead in addressing public trust in the media outlets	Norway	Accepted	4	Freedom of the press
154	Build on the media transparency law by taking measures to reduce widespread self-censorship and unbalanced reporting	United Kingdom	Accepted	4	Freedom of the press
155	Develop and implement a national plan of action to combat poverty	Russian Federation	Rejected	5	National plan of action, Poverty
156	Take effective measures to facilitate the return of Meskhetian Turks to Georgia, and to guarantee their rights	Russian Federation	Rejected	4	Minorities
157	Adopt a relevant law to create appropriate conditions for the integration of the Meskhetian Turks returnees	Turkey	Accepted	5	Minorities
158	Launch an awareness campaign to explain the historical reasons for the return of Meskhetian Turks so as to avoid any intolerance against them	Turkey	Accepted	5	Minorities
159	A comprehensive strategy addressing issues such as language learning, access to education and employment in favour of the integration of Meskhetian Turks	Turkey	Accepted	4	Minorities
161	Reinforce further the rights of internally displaced persons in law and in practice	Sweden	Accepted	4	Internally displaced persons



162	Develop a comprehensive strategy to address the socio-economic challenges faced by IDPs, emphasizing their integration in the local communities to promote work and the autonomy of the individual	Canada	Accepted	4	Internally displaced persons
165	Eliminate discriminatory laws and adopt legislation on the status of all languages existing in Georgia	Bangladesh	Rejected	5	Minorities
170	Georgia is committed to constructive cooperation with the Human Rights Council and will submit, on a voluntary basis, a midterm report on follow-up to accepted UPR recommendations, in accordance with the Human Rights Council resolution A/HRC/16/L.39.	Georgia	Voluntary Pledge	5	UPR process
173	The delegation reiterated Georgia's commitment to cooperate with the Council and pledged to submit a midterm report on the follow-up to the accepted recommendations.	Georgia	Voluntary Pledge	5	Right to education, UPR process

A= Action Category (see on [our website](#))
 SMR = State making recommendation

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