



Georgian Parliament, HRC website.

Parliament's engagement in the UPR: How? The case of Georgia

Parliaments play a crucial role in the Universal Periodic Review (UPR), especially in the implementation and monitoring of the UPR recommendations. On average, more than half of UPR recommendations received by a country require parliamentary action to be implemented. This role throughout the full UPR cycle has been widely recognized by the United Nations (UN) and its Human Rights Council (HRC) through its enshrining in reports and resolutions. We have also seen a growing number of documents, guidelines, and good practices¹ on Parliaments in the UPR and UN mechanisms.

At the 3rd UPR of Georgia in January 2021, as many as 39 recommendations received require explicit² legislative action, notably on guaranteeing the funding of the National Human Rights Institution (the Public Defender Office).

Art.173³ of the Rules of Procedure of the Parliament of Georgia is on supervision of the implementation of the recommendations of the United Nations Universal Periodic Review. This article describes how the Parliament should use its oversight role in the UPR and sets a collaboration framework between the executive and legislative branches in the UPR of Georgia. This is quite unique for a Parliament's Rules of Procedure to establish an institutionalized procedure for engagement in the UPR and specific collaboration duties between the Government and the Parliament.

At the occasion of a UPR workshop in Tbilisi, Georgia, UPR Info met members of the **Human Rights and Civil Integration Committee of the Parliament of Georgia** (hereinafter the "HRCIC" or "the Committee").

They shared details on how their committee is engaged in the UPR mechanism and how they foresee fulfilling their specific monitoring mandate under Art. 173.

"The Committee works primarily on legislation, amendments and new initiatives on human rights issues and civil integration issues, national and international reports and takes oversight measures."

Ms. Miranda Tskhadadze, head specialist HRCIC.

¹ See for example: A/RES/65/123, A/RES/66/261, A/RES/ 68/272, A/72/351, A/HRC/RES/22/15, A/HRC/RES/26/29, A/HRC/RES/30/14, A/HRC/RES/35/29, A/HRC/38/25 and A/HRC/35/16

² The recommendation contains a legal verb.

³ Art.173 on Supervision over the implementation of the recommendations of the United Nations Universal Periodic Review <https://parliament.ge/en/legislation/reglament/1584>

This oversight role on international commitments embedded in the Rules of Procedure is not new but some functions were added in 2016, a year after Georgia's second review. As per the Rules of Procedure, the Parliament has reviewed the State mid-term report for the 2nd cycle in 2019 as well as the State national report ahead of the 3rd cycle in 2020, two months before their official submissions to the OHCHR in Geneva.

Interestingly, the Parliament can review the information provided by the executive on all UPR report ahead of the 3rd cycle in 2020, two months before their official submissions to the OHCHR in Geneva. Interestingly, the Parliament can review the information provided by the executive on all UPR recommendations, not only those relevant to parliamentary action.

Participation in the drafting of UPR reports and validation by the Parliament before submission.

“Once the government prepares its national report, the Parliament is included directly in its drafting for anything related to legislative, budget, and supervisory issues. The draft is submitted to Parliament. [...] In practice, it is the Human Rights and Civil Integration Committee, which is the leading Committee on the UPR, alongside the Committee on Foreign Affairs” details Ms. Tskhadadze. Committee(s) prepare conclusions to improve the draft report. To provide their conclusions, the HRCIC can hold hearings and consultations with the government. If requested, a plenary session can be held to discuss the UPR report with the whole Parliament. The government submits its final report to Parliament before sending it to Geneva.

Providing its position on which recommendations to support and note.

Returning home with the recommendations received, the Administration of the Government of Georgia organized consultations with several stakeholders, including the Parliament of Georgia, to decide which recommendations to support and which to note.

The Parliament provided its conclusions on this. In the last cycle in 2021, “we [Parliament of Georgia] were in favor of accepting most of the recommendations [...] even if some government agencies advised to note some recommendations saying that Georgia is already doing it. The Parliament was in favor of acceptance because there is still room for improvement and even if you are already doing something, you can still do it better.”

This meant that the Parliament had to advocate for acceptance by meeting with special government agencies who were concerned about the practical enforcement of certain international treaties and by reassuring the alignment of treaty provisions with ongoing legislative trends in the country.

As we can see, the Parliament of Georgia's participation in UPR reporting and before the final adoption of the UPR outcome is clear, comprehensive, and institutionalized. Parliament's inputs are mentioned in Georgia's national report and mid-term report⁴.

The dual role of Parliaments in the implementation phase

When it comes to a comprehensive oversight or monitoring of the State's progress towards implementation of UPR recommendations, the road is more blurred, and it takes time and trials. Of course, this is totally normal as consistent and thorough monitoring of the implementation requires the establishment of specific processes and working methods on top of the day-to-day work of Parliament and its Committees. “We are not very experienced in practicing this oversight role in the framework of the UPR,” said Ms. Tskhadadze, “but what we do is that we classified, clustered the recommendations by topic”.

For each thematic cluster of recommendations, the **Committee on Human Rights and Civil Integration identified corresponding oversight activities** compiled into the Committee's action plan. The implementation process will therefore be periodically reviewed through this action plan.

“We have a double role. We oversee the implementation process of all UPR recommendations, so we monitor the executive's actions towards implementation, and we are also part of the implementation process with regards to the legislation.”

M. Kakhaber Goshadze

Leading Specialist at the HRCIC

M. Goshadze personally took part in Georgia's 3rd review. He technically assisted the head of the delegation by providing information and materials during the review.

He highlighted the **importance of having all branches of the government involved in the UPR process** as “drafting new laws is not difficult at all, but there should be resources to execute them” to ensure that the law is implemented in practice and attains its objective.

Therefore, consultations with many different government agencies are a prerequisite to ensure effective implementation.

We want to Ms. Miranda Tskhadadze and M. Kakhaber Goshadze, Human Rights and Civil Integration Committee, Parliament of Georgia, for having taken the time to share their insights and experience about the Committee's work and engagement in the UPR process.

⁴ §4 - A/HRC/WG.6/37/GEO/1, §6 - A/HRC/47/15 and p.2 Georgia 2nd cycle Mid-term report (2019)

What can we draw from the experience of the Parliament of Georgia?

Parliaments can use their oversight tools to inquire about levels of implementation of UPR recommendations.

Parliaments also contribute to the implementation of UPR recommendations by introducing, amending, repealing legislation, and validating the State's budget.

Parliaments should be aware of all recommendations received, not limiting themselves to the recommendations requiring explicit parliamentary action in order to be implemented.

All Committees can be active in the UPR; however, coordination of work is easier when a specialized Committee is leading the process.
