

## **Information on the Implementation of the Voluntary Pledges and Commitments made by Georgia in Accordance with General Assembly Resolution 60/251**

### **Candidature of Georgia to the Human Rights Council, 2011-2014**

Georgia was honored to present its candidature to the Human Rights Council not only for the term of 2016-2018 but also for the term 2011-2014 as a confirmation of its commitment to the protection and promotion of human rights at the international level as well as at the national level.

Below is provided information about the implementation of the voluntary pledges made by Georgia in 2011.

#### **At the International Level**

##### **Pledge:**

To fully cooperate with the Human Rights Council as set forth in General Assembly resolution 60/251 and promote its work, including in conflict areas worldwide, to strengthen the respect for and implementation of human rights and fundamental freedoms for all, especially for the most vulnerable groups

##### **Information:**

The Government of Georgia continues fruitful cooperation with the Human Rights Council, including through active participation in its regular and special sessions and High-level segments, co-sponsoring important human rights and humanitarian resolutions and providing information on the implementation of the HRC resolutions by the Government of Georgia upon the requests from the relevant bodies. In reiteration of its commitment to supporting the Human Rights Council and its mechanisms, Georgia has presented its candidature for the membership of the UN Human Rights Council for the term 2016-2018.

##### **Pledge:**

To actively cooperate with and to contribute to the effectiveness of the universal periodic review mechanism. In this regard, Georgia will submit, on a voluntary basis, a midterm report on follow-up to accepted universal periodic review recommendations, in accordance with Human Rights Council resolution 16/21. Georgia underwent the review procedure in an open and constructive manner in January 2011.

##### **Information:**

Bearing in mind the importance of Universal Periodic Review mechanism established by the UN Human Rights Council for the protection and promotion of the human rights, the government of Georgia, on a voluntary basis, in 2013 submitted midterm report on the implementation of the recommendations accepted within the first cycle.

**Pledge:**

To fully cooperate with the Office of the High Commissioner for Human Rights and support its activities.

**Information:**

The Government of Georgia attaches great importance to its cooperation with the High Commissioner for Human Rights and his office. In May 2014, upon the invitation of the Government of Georgia, the former High Commissioner Pillay paid an official visit to Georgia and held a number of meetings with high-ranking representatives of legislative, executive and judicial branches, as well as foreign diplomats and non-governmental organisations. This visit gave a new impetus to Georgia's relations with the OHCHR. The High Commissioner Al Hussein has a standing invitation to visit Georgia any time at his convenience.

The Commissioner Pillay, after being denied access to the occupied regions, assessed them as "black holes" while the Tskhinvali region was referred to as "one of the most inaccessible places on earth, with no access permitted for international agencies, except the ICRC". Georgia regularly raises the issue of the access of the OHCHR to the occupied regions within the Geneva International Discussions, where the representative of the OHCHR also participates. Existing dire situation on the ground clearly demonstrates the urgent need of the active involvement of the OHCHR.

Georgia enjoys fruitful cooperation with the regional office in the South Caucasus of the High Commissioner for Human Rights, based in Tbilisi, which is actively engaged in the human rights activities and projects.

**Pledge:**

To closely cooperate with other human rights bodies, including those within the United Nations system and related agencies, as well as with the European Union, the Council of Europe, the Organization for Security and Cooperation in Europe, and their relevant bodies.

**Information:**

The Government of Georgia continues fruitful cooperation with the UN treaty-based and charter-based bodies, as well as other international organizations.

The Ambassador at Large on Human Right within the Ministry of Foreign Affairs of Georgia, is in charge at the national level to systematically follow up on the implementation of HRC resolutions, recommendations by Special Rapporteurs and Independent Experts and outcomes of the UPR Process.

The Human Rights issues are at the heart of the EU-Georgia relations and respectively, reflected in the Association Agreement. These issues are inalienable part of the EU-Georgia political dialogue agenda, namely they are discussed within the special dedicated format – HR Dialogue, as well as at the Association Council (Ministers' level) and Association Committee (deputy ministers' level). HR-related issues have been also part of the Visa Liberalisation Action Plan, which Georgia has been implementing since February 2013.

The Georgian side actively cooperates with the OSCE High Commissioner on National Minorities (HCNM) and her Office. On 14-18 April 2015 HCNM paid an official visit to Georgia. During her trip she held meetings with high level officials from the Government of Georgia and visited the occupation

line in the Tskhinvali/South Ossetia, Georgia and Abkhazia, Georgia. Georgia also continues its active and close cooperation with ODIHR to further progress in carrying out the democratic reforms. In this context, the Georgia appreciates the trial monitoring project launched by ODIHR in 2013 at the request of the Georgian Government, aimed at ensuring the openness and transparency of judicial system.

Georgia actively cooperates with the Council of Europe Monitoring bodies, as well the Commissioner for Human Rights and his office. Commissioner Muiznieks visited Georgia in 20-25 January 2014, his next visit is scheduled for the second half of 2015. Mr. Michael O'Boyle has been recently appointed as the Council of Europe Secretary General's Special Adviser on Human Rights and Rule of Law to the Government of Georgia.

**Pledge:**

To continue to co-sponsor important universal human rights and humanitarian resolutions within the General Assembly.

**Information:**

The Government of Georgia continues its policy of co-sponsoring important human rights related and humanitarian resolutions both within the Human Rights Council and the General Assembly.

**Pledge:**

To cooperate fully with treaty monitoring bodies, submit national reports in a timely manner and take into account the relevant concluding observations and recommendations.

**Information:**

In order to ensure coordinated work of the government with respect to preparation of state reports for the submission to the UN treaty-based and charter-based bodies, important efforts have been made in 2013-2014. Namely, pursuant to the Decree №35 of the Minister of Foreign Affairs of Georgia of 21 February 2013 "On the Approval of the Regulations of International Law Department of the Ministry of Foreign Affairs of Georgia," International Law Department has been designated to coordinate preparation of the state reports on the implementation of international treaties of Georgia. With the aim to facilitate the performance of the above duties assigned to the Department, special Unit on the Multilateral International Treaties and Legal Analyses, staffed by the international Law specialists, was created within the International Law Department on March 1, 2013.

Furthermore, for the purposes of facilitation the proper implementation of Georgia's treaty obligations permanent inter-agency working group as the national coordination mechanism has been set up in 2014 upon the initiative of the Ministry of Foreign Affairs, which includes high and mid-level officials from the executive, judiciary and the parliament of Georgia.

In parallel, relevant trainings were organized with support of the UNDP for the inter-agency working group members with the aim to provide deep overview of the UN human rights obligations as well as importance and best practices of their implementation. The information received during the training is now successfully used in the course of preparation of the UPR report of Georgia as well as other reports

on the implementation of the UN human rights treaties. The Ministry of Foreign affairs is going to continue trainings in the future in cooperation with International Organizations.

Since 2011 Georgia has submitted following reports to the UN treaty bodies:

- On 25 June 2012, Georgia submitted its 4<sup>th</sup> Periodic Report on the implementation of the International Covenant on Civil and Political Rights (in February 2014, Georgia submitted its Reply on the List of Issues);
- On 26 June 2012, Georgia submitted its Combined 4<sup>th</sup> and 5<sup>th</sup> Periodic Reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (in January 2014, Georgia submitted its Reply on the List of Issues);
- On 2 July 2014, Georgia submitted its Combined 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Periodic Reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;
- On July 10, 2015, Georgia submitted Relevant information on implementation of the UN Human Rights Committee's recommendations made in paragraphs 13 and 14 of the Concluding Observations on the fourth periodic report of Georgia;
- On 11 December 2014, Georgia submitted its 4<sup>th</sup> Periodic Report on the implementation of the Convention on the Rights of the Child.

**Pledge:**

To maintain its standing invitation to special procedures, receive their visits constructively and cooperate in the follow-up of the visits, as well as to contribute to the enhancement of the system of special procedures.

**Information:**

The Government of Georgia reiterates its readiness to host special rapporteurs on various thematic issues, in accordance with a standing invitation extended to all special procedures mandate holders in 2010. In recent years, Georgia hosted the Working Group on arbitrary detention (15-24 June 2011), SR on freedom of peaceful assembly and of association (6-14 February 2012), SR on the Human Rights of IDPs (10 - 14 June 2013), SR on torture and other cruel, inhuman or degrading treatment or punishment (12-19 March 2015). SR on the sale of children, child prostitution and child pornography is planning to conduct visit to Georgia in the course of 2016.

**Pledge:**

To consider the opportunity to ratify those international and regional instruments to which it is not already a party (for a list of ratified instruments, see appendix), such as:

- The Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- The International Convention for the Protection of All Persons from Enforced Disappearances;
- The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;

- The European Charter for Regional or Minority Languages.

**Information:**

On 26 of December 2013, the Parliament of Georgia ratified the Convention on the Rights of the Persons with Disabilities (CRPD) which came into force for Georgia on 12 April, 2014.

At the same time, Georgian authorities have already initiated relevant internal legal procedures with an aim to consider the opportunity to ratify those international and regional human rights instruments that Georgia is not yet a party to: the Optional Protocol to the Convention on the Rights of Persons with Disabilities; International Convention for the Protection of All Persons from Enforced disappearance; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.

The Government of Georgia is committed to moving forward with full implementation of its international obligations with regard to the European Charter for Regional or Minority Languages (ECRML), including signing and ratification of the Charter. With this purpose, on 21 June, 2013 the Government of Georgia issued decree #163 “On the Creation of Interagency Commission for the Elaboration of Recommendations on the Commitment Undertaken by Georgia in Frames of the ‘European Charter for Regional or Minority Languages’ and on the Approval of Its Regulation”, thereby officially establishing the Commission. The Commission, bringing together Deputy Ministers and Members of Parliament, is coordinated by the Office of the State Minister of Georgia for Reconciliation and Civic Equality. The Commission started to discuss the Charter itself and earlier recommendations in this regard.

Also, the State Minister for Reconciliation and Civic Equality applied to Council of Europe Secretariat requesting to designate CoE expert(s) to assist Georgia with assessing the situation and addressing specific issues related to ECRML. As a result, Jörg Horn, of CoE Charter Secretariat along with ECMI representative in June 2013 launched consultations with the Charter Working group and Georgian academic experts. In a follow up, several versions of draft Ratification Instrument were elaborated and introduced to the Commission for consideration. Georgia already fulfills in practice and by law more than the required threshold of 35 Charter commitments with respect to languages spoken by national minorities.

By time being, four meetings of the Commission took place discussing the introduced versions, positions of participating Ministries on signature and legal aspects of the signature procedure. However, there is no consensus on the signature of ECRML among the members of the Commission. (In accordance with the Georgian legislation, the Government has initiated the procedure of signature of the Charter).

The Government of Georgia continues to work step by step on the commitment including raising awareness about the Charter as well as to pursuing an educational policy of promoting the learning of Georgian language among members of minorities without this being detrimental to the linguistic rights of minorities. The work of the Commission is supposed to be re-activated with the aim to discuss and agree the most optimal version of the Charter Ratification Instrument.

Recently, Office of State Minister for Reconciliation and Civic Equality launched cooperation within the Council of Europe/EU Project on “Civic Integration of National Minorities in Georgia and the European Charter for Regional or Minority Languages” provided under the Georgia-CoE Action Plan 2013-2015. The project aims at running active awareness-raising campaign, as well as policy advocacy involving scientific community, minority organizations, decision-makers and other major stakeholders to move signature and ratification of the ECRML forward based on the work previously undertaken jointly by Georgian and CoE experts.

## **At the National Level**

### **Pledge:**

To further promote gender equality, the rights of women and the eradication of domestic violence, inter alia, through supporting the work of the Parliamentary Gender Equality Council and the implementation of the National Action Plan on Gender Equality developed in cooperation with civil society and international organizations.

### **Information:**

The current Gender Equality NAP 2014-2016 was developed by the Parliamentary Gender Equality Council (GEC) with technical support of UNDP and adopted by the Parliament on January 24<sup>th</sup>, 2014. The GEC invited all Ministries to draft individual sections, where within the assigned funding the agencies could include gender equality considerations or implement activities in support of promoting women's rights. The eight sections of the NAP cover the main areas of work in line with the Beijing Platform of Action. Furthermore, the GEC deemed it important to recognize the need for higher involvement of women at the local level and devoted a special section to Regional Development. The commitment of the Ministry of Finance to include gender considerations in the programs outlined in the state budget was an achievement itself.

The National Action Plan for 2013-2015 on the Elimination of Domestic Violence was adopted under a Presidential Decree on 17 July 2013. The Action Plan names three main goals: 1) the improvement of the mechanisms and the legislative base on the prevention of domestic violence, protection and assistance of victims of domestic violence; 2) the protection, assistance and rehabilitation of victims of domestic violence; 3) the prevention of domestic violence and the raising awareness on domestic violence issues.

Pursuant to the amendment to Criminal Code of Georgia introduced on 27 March 2012, any crime based on gender identity constitutes an aggravating circumstance. Furthermore, in June 2012 Georgia criminalized domestic violence; two new provisions were introduced to the Code - Article 1261, which specifically defined the scope of domestic violence and Article 111 which established categories of domestic violence.

Detailed information on these issues is provided in the 2<sup>nd</sup> Cycle UPR report of Georgia as well as in the annex of the report on implementation of undertaken recommendations.

### **Pledge:**

**To direct further efforts towards the protection of the rights of the child and support the implementation of the National Action Plan on the Welfare of Children, with a special emphasis on childcare institutions, including alternative care systems, and programmes for homeless and street children.**

Within the framework of the Action Plan on Welfare and Protection of Children for 2012-2015 the Government of Georgia developed alternative child care services, foster care and small group homes and the most large children's institutions have been closed, except of Disabled Children's House in Kojori and Tbilisi Infants' House. The services of day care centers, crisis intervention centers and transit centers to identify, and assist children/families living and/or working in streets are funded by the state budget within the "State program on Social rehabilitation and Child Care 2014". Within the reporting period the social service coverage of disabled children has been expanded and their social services are fully covered by the state. Also, the number of beneficiaries of day care centers has been increased.

Ministry of Labour, Health and Social Affairs of Georgia approved the rules and conditions on reintegration assistance allowance; Emergency assistance program for the families with children in critical situation. Since January 2014, the Ministry of Labour, Health and Social Affairs of Georgia monitors services of child care institutions.

The Public Service Development Agency of the Ministry of Justice of Georgia collaborates with the Social Service Agency in order to introduce the relevant amendments in legislation to create temporary identification documents for children living and working in the streets. Nowadays most street children have no identification or citizenship, so the Social Service Agency is not able to provide health care and educational services for these children. As a result of the amendments, state will be able to provide temporary identification document for street children, until their citizenship and legal status is determined.

Detailed information on these issues is provided in the 2<sup>nd</sup> Cycle UPR report of Georgia as well as in the annex of the report on implementation of undertaken recommendations.

**Pledge:**

To continue its work to strengthen the protection and promotion of minority rights by supporting the implementation of its five-year National Action Plan on the National concept of Tolerance and Civil Integration, developed through cooperation between the Ethnic Minority Council of the Public Defender's Office and the cross-sectoral Council of Tolerance and Civil Integration.

**Information:**

On May 8, 2009, the basic document which forms the Government's policy in relation to national minorities – "National Concept for Tolerance and Civic Integration" and its five-year Action Plan (2009-2014) was approved by Governmental Decree. Accompanying Action Plan specifies activities and programs, which are to be implemented over the five years in accordance with the following strategic directions of the Concept: the rule of law, education and the state language, media and access to information, political integration and civil participation, social and regional integration, culture and the preservation of identity.

The Office of the State Minister for Reconciliation and Civic Equality coordinates the process of implementation of the state policy towards ethnic minorities. "National Concept for Tolerance and Civic Integration" and respective Action Plan for 2009-2014 expired in 2014, therefore, the Office of the State Minister has started the process of elaboration of a new Civic Equality and Integration strategy and Action Plan for 2015-2010. The new policy document will be based on the results obtained due to the implementation of the previous strategy. In this regard, Office of the State Minister of Georgia for Reconciliation and Civic Equality prepared the assessment document of the National Concept for

Tolerance and Civic Integration (NCAP) and 2009-2014 Action Plan. Examining the achievements and challenges for the past five years provide the basis for formulating a new and more effective government policy. The new civic integration strategy is based on *more diversity, more integration* approach and aims at: contributing to the provision of equality; ensuring ethnic minorities' full-fledged participation in all spheres of public life; preserving national minorities' culture and identity.

**Pledge:**

To sustain efforts in the prevention, protection against and prosecution of human trafficking, by continually enhancing the effectiveness of its victim centred national referral mechanism, establishing more victims' shelters and supporting the implementation of comprehensive anti-trafficking legislation.

**Information:**

The State Fund for the Protection and Assistance of Victims (Statutory) of Trafficking provides (statutory) victims of human trafficking with protection, assistance and rehabilitation. There are two shelters for victims of human trafficking in Tbilisi and Batumi.

Combating Trafficking in Human Beings remains one of the key priorities of the Government of Georgia. In this regard Georgian anti-trafficking policy is entirely focused on so called 4 Ps and Georgian government is committed to adopt efficient measures in order to enhance Prevention, Protection, Prosecution and Partnership. In order to ensure the concerted interagency policy the role of the Interagency Council set up in 2006 remains indispensable in adopting serious and sustainable measures on combating human trafficking. Adequate legislative framework is in place since 2003 and it is amended in case of necessity to respond the current challenges and modern forms of trafficking in human beings. Awareness raising activities are permanently conducted as an effective preventive measure. In addition, in order to promote proactive identification of TIP victims and effective investigation special mobile groups and task force composed of law enforcements were created and guidelines and Standard Operational Procedures (SOPs) were enacted.

When it comes to the protection within the institutional setup of the protection and assistance of the TIP victims, the efforts of the State Fund for the Protection and Assistance of the TIP Victims should be noted as it continuous to provide: a) Shelters; b) Legal aid; c) Physiological and medical assistance; d) Rehabilitation and reintegration measures to the victims since 2006. Furthermore, State Fund provides with the compensation to the victims of trafficking.

In terms of partnership, Government of Georgia prioritizes enhancement of cooperation with non-governmental sector. For that aim, memorandums of understanding are concluded with local and international NGOs regarding the providing services for the TIP victims, promotion of the capacity building of law enforcements to enhance their knowledge and skills of combating this crime. Also, Ministry of Justice of Georgia issued grants for local NGOs to implement awareness raising activities in 2012 and 2014. The third grant project will be implemented in 2015.

**Pledge:**

To maintain a strong commitment to protect against and prevent discrimination in all forms

**Information:**



On 2 May 2014 the Law of Georgia on Elimination of all Forms of Discrimination was adopted by the Parliament. The adoption of the Law was accompanied with a set of amendments to other legislative acts, including Law on Gender Equality, Criminal Code of Georgia, etc. to harmonize provisions of all relevant statutory acts that serve to elimination of discrimination and ensuring equality.

Purpose of the law shall be elimination of all forms of discrimination and ensure for every person equal enjoyment of rights prescribed by law irrespective of race, skin colour, language, sex, age, citizenship, origin, place of birth or residence, property or social status, religion or belief, national, ethnic or social origin, profession, marital status, health, disability, sexual orientation, gender identity and expression, political or other opinions, or other characteristics.

Amendments to Article 53 of the Criminal Code of Georgia adopted on 27 March 2012, strengthened the principle of non-discrimination by introducing a new paragraph stipulating that the motive indicating discrimination on the base of race, skin color, language, sex, sexual orientation, gender identity, age, religion, political or other opinion, disability, nationality, national, ethnic or social origin, financial standing, place of residence or any other bases for intolerance shall be considered as an aggravating circumstance for respective crimes as prescribed by the Criminal Code of Georgia.

**Pledge:**

To continue the collaboration with the Public Defender's Office to effectively address cases of ill-treatment and to work towards eradicating maltreatment in all types of detention facilities.

**Information:**

To prevent torture or any other forms of ill treatment in the penitentiary system, internal monitoring mechanisms of Ministry of Corrections (MoC) have been strengthened.

Human Rights Monitoring Unit of the MoC serves as deterrent to human rights violations in the penitentiary system. The Statute of the Human Rights Monitoring Unit expanded its mandate and clearly defined its functions. Human Rights Monitoring Unit receives complaints and refers them to relevant institutions for consideration. Monitoring Unit is not only reactive but is proactive in its activities. It conducts regular as well as *ad hoc* visits to all penitentiary establishments, receives applications/complaints and produces quarterly reports which are accessible to public. During 2014 Human Rights Monitoring Unit has received up to 653 applications/complaints which were forwarded accordingly to various institutions for further consideration (General Inspection and Investigation departments of the MoC, Medical Department of the MoC, Prosecutor's office, etc.). In the same period the representatives of the Monitoring Unit have met to 132 pre-trial/convicted inmates.

Mandate and operation of the General Inspection has been strengthened. Disciplinary sanctions have been applied in 232 cases in 2013 and in 126 cases in 2014 (to compare: 7 cases in 2010; 13 cases in 2011; 7 cases in 2012).

Complaints handling and guarantees for complaining has been improved. Increase in number of complaints and statistics on reacting to them demonstrate that safeguards over the complaining mechanisms are more effective.

In addition, the Ministry through the Penitentiary and Probation Training Centre regularly trains/retrains prison staff on human rights (including a prohibition of torture, inhuman and degrading treatment). Over 35-40% of the prison staff has been replaced in 2013-2014.

Independence of prison medical personnel has been improved considerably and the role of doctors in documenting and reacting on physical abuse and possible ill-treatment has been increased.

The Public Defender and members of his staff along with the National Preventive Mechanism under the Public Defender's office, enjoy unrestricted access to all MoC establishments of the deprivation of liberty. Since October 2012 the MoC has also been granting access to prisons to the human rights defender and service provider NGOs who have since conducted various surveys and psycho-rehabilitation activities for inmates.

Working Group has been created at the Ministry of Corrections in order to collect, consider and analyze Public Defender's reports and recommendations case by case. Comprehensive and complete progress reports are regularly sent to the Office of the Public Defender describing the status of recommendations' fulfillment.

MIA has well established cooperation with Public Defenders Office, regular meetings take place, based on the Memorandum between the two agencies Ombudsman's office periodically delivers lectures in police academy and conducts trainings for acting policemen across Georgia on various human rights issues.

Recommendations of the Public Defender are duly considered by Ministry of Internal Affairs. It is important to note, that since 2011, the Ministry has fulfilled the majority of the recommendations from the Public Defender's Office, especially regarding the conditions at temporary detention isolators.

The maximum period of administrative custody for all violations entailing administrative detention has been reduced to 15 days instead of 90 days in 2014. Along the reduction, procedural guarantees of arrestee like, due process rights, right to know the reasons for detention, choose a lawyer, notify family have been also introduced. Administrative detention was largely criticized by Ombudsman and other human rights organizations.

### **Pledge:**

To further promote legislative harmonization of national laws with international human rights standards, *inter alia*, by implementing the accepted recommendations made during the universal periodic review in a timely manner.

### **Information:**

A number of international human rights instruments has been ratified by Georgia and respective legislative amendments have been made. Thus, on 2 April 2014 the Georgian Parliament ratified the 1961 UN Convention on the Reduction of Statelessness. In order to support the harmonization of the Georgian legislation with the above mentioned convention, organic law on "Citizenship of Georgia" was drafted and adopted on 30 April 2014, which is almost entirely based on the principles of the convention and sets up a number of mechanisms to prevent and reduce the number of Statelessness in Georgia. Another example of commitment of the Georgia's government to uphold international human right standards is a massive set of amendments introduced to numerous legislative acts in order to bring its legislation in conformity with requirements of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) which was signed by Georgia on 19 June 2014 and ratification of is planned in nearest future.

The Government of Georgia has reviewed and amended the national legislation in accordance with the Convention on the Rights of Child (1989) (*hereinafter* – CRC)<sup>1</sup> together with its additional protocol (2000),<sup>2</sup> Geneva declaration on the rights of the child (1924),<sup>3</sup> UN declaration on the rights of the child (1959),<sup>4</sup> the Beijing Rules (1985),<sup>5</sup> Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (2005),<sup>6</sup> United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) (1990),<sup>7</sup> United Nations Guidelines for the Prevention of Juvenile Delinquency (1990),<sup>8</sup> Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) (2007),<sup>9</sup> Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010),<sup>10</sup> the European Rules (2008),<sup>11</sup> two model laws of the UNODC (Model Law on Justice in Matters Involving Children in Conflict with the Law (and related Commentary); Model Law on Justice in matters involving child victims and witnesses of crime (and related Commentary)), statutes of various international organizations as well as other important documents and best practices of different countries. Legislative reform includes, inter alia, adoption of the *new Criminal Procedure Code*<sup>12</sup> and *Code on Imprisonment*<sup>13</sup>, which establish effective guarantees for the protection of the rights of juvenile offenders.

Detailed information on these issues is provided in the 2<sup>nd</sup> Cycle UPR report of Georgia and in the annex of the report on implementation of undertaken recommendations.

## Pledge:

---

<sup>1</sup> Convention on the Rights of the Child adopted by General Assembly resolution 44/25 of 20 November 1989, available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

<sup>2</sup> Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography adopted by General Assembly resolution A/RES/54/263 of 25 May, 2000, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>.

<sup>3</sup> Geneva Declaration of the Rights of the Child adopted by League of Nations on 26 September, 1924, available at: <http://www.un-documents.net/gdrc1924.htm>.

<sup>4</sup> Declaration of The Rights of the Child adopted by UN General Assembly Resolution 1386 (XIV) of 10 December 1959, available at: <http://www.un.org/cyberschoolbus/humanrights/resources/child.asp>.

<sup>5</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") adopted by General Assembly resolution 40/33 of 29 November 1985, available at: <http://www.un.org/documents/ga/res/40/a40r033.htm>.

<sup>6</sup> Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime adopted by the Economic and Social Council resolution 2005/20 of 22 July, 2005, available at: <http://www.un.org/en/ecosoc/docs/2005/resolution%202005-20.pdf>.

<sup>7</sup> United Nations Rules for the Protection of Juveniles Deprived of their Liberty adopted by General Assembly resolution 45/113 of 14 December 1990, available at: <http://www.unrol.org/files/TH007.PDF>.

<sup>8</sup> United Nations Guidelines for the Prevention of Juvenile Delinquency adopted by the General Assembly on 14 December 1990 (A/RES/45/112) , available at: <http://www.un.org/documents/ga/res/45/a45r112.htm>.

<sup>9</sup> Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, 2007, available at: [http://www.coe.int/t/dghl/standardsetting/children/Lanzarote%20Convention\\_EN.pdf](http://www.coe.int/t/dghl/standardsetting/children/Lanzarote%20Convention_EN.pdf).

<sup>10</sup> Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, 2010, available at: [http://www.coe.int/t/dghl/standardsetting/childjustice/Guidelines%20on%20child-friendly%20justice%20and%20their%20explanatory%20memorandum%20\\_4\\_.pdf](http://www.coe.int/t/dghl/standardsetting/childjustice/Guidelines%20on%20child-friendly%20justice%20and%20their%20explanatory%20memorandum%20_4_.pdf).

<sup>11</sup> Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measure, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1367113&Site=CM>.

<sup>12</sup> The Criminal Procedure Code of Georgia, 2009.

<sup>13</sup> The Code of Imprisonment of Georgia, 2010.

To continue to provide support to the work of national inter-agency coordination councils, as well as to the engagement of civil society, public agencies and international organizations, in the crafting and implementation of human rights policy in Georgia

**Information:**

On the 5<sup>th</sup> of July, 2013 the Government of Georgia established the Inter-agency Task Force for Human Rights Strategy and Action Plan Development, with the aim to develop a national strategy and action plan. The Council comprised representatives of executive, legislative and judicial branches of the Government, as well as the Public Defender and representatives of non-governmental and international organizations, experts, and scholars. In order to ensure an inclusive and transparent process, the Council organized over 10 meetings with over 100 NGOs and other interested stakeholders.

On 13 February 2014, the Prime Minister presented the first draft of the Strategy and the Action Plan to the wider public. With the support of the UNDP the special web site: [www.yourhumanrights.ge](http://www.yourhumanrights.ge) was created, containing all relevant information on the development of the Strategy.

The Strategy and Action Plan have been developed based on: a report by the EU Special Advisor to Georgia Thomas Hammarberg, on Constitutional and Legal Issues and Human Rights entitled “Georgia in Transition”; also on recommendations of the different international organizations including: UN bodies, OSCE/ODIHR; the CoE/ECRI, the Public Defender of Georgia and the local NGOs.

The Georgian Parliament adopted the „National Human Rights Strategy of Georgia 2014-2020”, on 30 April 2014. The Government approved the „Action Plan, 2014-2015” on July 9th, 2014. The Strategy aims to develop a systematic line ensuring the implementation of obligation stemming from human rights in everyday life. The Strategy strengthens the human rights based approach which will derive State policy and programmes and determine right-holders and duty-bearers in each particular case.

The Action Plan is a comprehensive document covering the first two years of the implementation of the Strategy VIZ 2014-2015. It lists goals, objective, activities, responsible agencies, time frames and indicators. The Plan is a ‘living’ document that can be amended depending on the various needs, although nothing from the goal and activities can be added. Based on the experience of it implementation, the future action plan or plans will be drafted and adopted.

The Inter-agency Council established under the Government and chaired by the Prime Minister monitors the process of implementing the Action Plan. The Council has nine working groups on the level of deputy ministers and heads of department, focusing on different chapter of the Action Plan. The nine inter-council working groups unite and cover all 23 chapters of the Action Plan.

As an additional guarantee for the effective implementation of the Action Plan, the Human Rights Secretariat, responsible for productive Inter-Agency coordination and close monitoring of the execution of the Action Plan, was created in the Administration of the Government’s Prime Minister’s Office. The Secretariat recently published their mid-term progress report, including detailed information on the implementation of the Action Plan.

In January 2015 the mid-term report on the implementation of the Action Plan was presented to the public. On 6 July 2015, the very first progress report on the implementation of the governmental action plan was presented to the Georgian Parliament by the Human Rights Secretariat.

Inter-Agency council focusing specifically on the rights of persons with disabilities, chaired by the Prime Minister was identified as an implementation mechanism for the 2006 UN convention on the Rights of Persons with Disabilities, therefore designating the Secretariat as a coordination mechanism, and the

Public Defender's Office as a monitor of the process. The Council consists of the Ministers. 10 NGO-s working on disability issues are represented in the Council.

In November 2014, the Inter-Agency Council on fighting against domestic violence was established at the Administration of the government chaired by the assistant to the Prime Minister on Human Rights and Gender Equality issues. The council has already convened two meetings and discussed various recommendations suggested by the civil society representatives. A Consultative Group consisting of civil society representatives was also established.

In December 2014 the Group in charge of granting a victim status has been selected by the selection commission of the Inter-Agency Council. The Group consists of 12 civil society representatives (doctors, psychologist, psychiatrist, lawyers and social workers). As a result of the competition, 8 organizations were also selected which can submit the case to the Group on behalf of a potential victim of domestic violence. The Group members as well as those 8 organizations mentioned above are undergoing training with the support of the UNWOMEN and will become functional in the nearest future.

As a coordination structure on gender and women's empowerment, secretariat is involved in work of National Coordination Group responsible for the monitoring of the Security Council Resolution No. 1325 on Women, Peace and Security No.1325, No.820, No.888, No.889 and No.1960 Action Plan implementation.

Above-mentioned examples demonstrate that the Government continues its support to the work of national inter-agency coordination councils, as well as to the engagement of civil society, public agencies and international organizations, in the crafting and implementation of human rights policy in Georgia.

**Pledge:**

To support the constructive involvement of international partners engaged in national human rights dialogue to ensure the exchange of best practices and lessons learned.

**Information:**

Georgia is keen to enhance the scope of international cooperation in the field of protection and promotion of human rights. Thus, in April 2015 Georgia joined the Group of Friends of the Convention against Torture Initiative launce by Denmark which aims to achieve universal ratification of the UN Convention against Torture through mutual assistance and exchange of experience.

The Ministry of Foreign Affairs of Georgia has introduced a position of Ambassador at Large on Human Right. Ambassador at Large on Human Right is a focal point for all human rights issues related to the Ministry of Foreign Affairs of Georgia. The portfolio of the Ambassador at Large on Human Right, among other issues, includes involvement of international partners to ensure the exchange of best practices and lessons learned in the field of human rights. For example, the Ministry of Foreign Affairs of Georgia has established the regular format of human rights dialogs with the Foreign and Commonwealth Office of the UK in order to exchange the best practices and lessons learned in the field of human rights. The Ministry of Foreign Affairs of Georgia has exchanged best practices in the field of human rights with the Human Rights Ambassadors of the Netherlands.

**Pledge:**

To uphold the highest standards in the promotion and protection of human rights

**Information:**

The Georgian Government actively continues its unbending path of reforms aimed at bolstering the rule of law, transparency and accountability of the government to provide better protection of human rights for its citizens. Widely considered as one of the most successful reformer countries of the last decade, Georgia has been recently ranked 29th in the 2015 Rule of Law Index of the World Justice Project (the best result in the region).

In 2014, Georgia adopted the comprehensive and long-term Human Rights Strategy (2014-20), and subsequent Action Plan (2014-15), elaborated in a transparent manner with active involvement of the civil society and international actors. Its effective implementation and monitoring is ensured by Human Rights Secretariat and the Human Rights Inter-Agency Council under the Prime Minister.

Georgia has a class A national human rights institution – the Office of the Public Defender. Along with Gender Equality Council chaired by a Vice-Speaker of the Parliament, special positions were also established such as the Human Rights Advisor of the President, the Assistant to Prime Minister on Human Rights and Gender Equality Issues, and Ambassador at Large on Human Rights within the Ministry of Foreign Affairs, who is tasked to systematically follow up on the implementation of HRC resolutions, recommendations by Special Rapporteurs and Independent Experts and outcomes of the UPR process.

Since 2012 Georgia undertook a set of institutional reforms in order to address international and national recommendations aimed at liberalizing the criminal justice sector in Georgia. In 2014 a number of important amendments were introduced to the Criminal Procedural Code for enhancing human rights in the criminal justice system. As a result of these amendments, the rights of the defendant were enhanced to ensure equality of arms in adversarial trial, the plea bargaining procedure became more transparent and the risk of using it for extracting guilty pleas was significantly diminished while the powers of judges in the process of plea bargaining was enhanced and the rights of victims were broadened. Furthermore, in 2013 amendments were introduced in the Law of Georgia on Prosecution Service aimed at strengthening institutional independence of the prosecution service, ensuring that the prosecutors can carry out their professional functions impartially and objectively and ensuring protection of human rights in criminal proceedings. As a result, the Minister of Justice stripped off the prosecutorial powers transferring it to the Chief Prosecutor of Georgia as well as individual investigations and prosecutions became immune from the interference from the Minister of Justice. In 2014 a set of amendments were introduced to the Code of Imprisonment, which not only brought relevant legislation in compliance with international requirements, but resulted in the structural reform of the penitentiary system to ensure its transparent and efficient operation. In 2015 the Parliament of Georgia adopted Juvenile Justice Code. The aim of the Code is to fully incorporate into the legislation the best interest of child and other principles of juvenile justice enshrined in the Convention on the Rights of the Child and relevant international standards, to expand the alternatives to criminal prosecution, such as diversion and mediation, and to diversify the sanctions available to the judge to ensure that the detention and imprisonment are used only as measures of last resort against juveniles. The Code will enter into force in March 2016.

One of the most recent and important development in the legislation of Georgia was the adoption of a comprehensive anti-discrimination Law on May 2, 2014 by the Parliament of Georgia.

In 2013, the Data Protection Supervisory Authority was established and a year later a special Commission on Destroying of the Materials Collected through the Covert Surveillance Activities.

Comprehensive information on these issues is provided in the 2<sup>nd</sup> Cycle UPR report of Georgia as well as in the annex of the report on implementation of undertaken recommendations.