

Public Defender's Office of Georgia

Midterm assessment of Georgia's implementation of recommendations received during the 2015 Universal Periodic review

The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twenty-third session from 2 to 13 November 2015. The review of Georgia was held at the 13th meeting on 10 November 2015. At its 17th meeting held on 12 November 2015, the Working Group adopted the report on Georgia. Out of the 203 recommendations formulated during the interactive dialogue on 10 November Georgia supported 196 and noted 7 recommendations.

The Public Defender of Georgia is a constitutional institution (NHRI with A Status), which supervises the protection of human rights and freedoms within its jurisdiction on the territory of Georgia. It identifies the violations of human rights and contributes to the restoration of the violated rights and freedoms. The Public Defender of Georgia performs the function of the National Preventive Mechanism under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; it constitutes an Equality Body in the country and is also responsible for the supervision of the UNCRPD implementation. The Public Defender is authorised to start a case study on its own initiative as well as on the basis of the individual complaint received from citizens, the number of which amounts to several thousand each year.

The information provided below covers those recommendations which the Public Defender's Office has information on, and addresses recommendations that enjoyed the support of Georgia.

Total number of recommendations assessed by the Public Defender	Number of Recommendations fully implemented	Number of Recommendations partially implemented	Number of Recommendations not implemented
97	3	74	20

N	Recommendations ¹	Countries	Public Defender's Office
116.1-116.3	Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the Optional Protocol to the Convention on the Rights of the Child on a communications procedure	Portugal Uruguay	Even though Georgia has ratified the third optional protocol to the United Nations Convention on the Rights of the Child on a Communications Procedure, the state has not complied with its obligation to implement the optional protocol at domestic level to this date. Namely, the national mechanism responsible for the implementation of the optional protocol has not been determined and procedural regulations thereof have not been developed.
116.2-116.5-116.6-116.7-116.8-116.9-116.10-116.11-116.12-116.13-116.14	Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Spain Panama France Montenegro Sierra Leone Argentina Slovakia Japan Slovenia Austria Turkey	<p>Despite numerous recommendations of the Public Defender of Georgia, the Optional Protocol to the Convention on the Rights of Persons with Disabilities has not been ratified to this date. This creates obstacles for stakeholders in using the individual complaints procedure and applying to the respective committee of the United Nations.</p> <p>Despite numerous recommendations of the Public Defender of Georgia, the United Nations International Convention for the Protection of All Persons from Enforced Disappearance has not been ratified to this date. This creates obstacles in conducting timely and effective investigation of incidents of disappearances and providing relevant social guarantees to relatives of disappeared persons.</p> <p>Similarly, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights has not been ratified.</p>
116.4	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Honduras	The Convention on the Protection of the Rights of all Migrants and Members of their Families is not ratified.

¹ Colors describe the level of implementation of the recommendations: green – implemented; yellow – partially implemented; red – not implemented;

116.15- 116.16- 116.17	Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence	Ghana Italy Turkey		The State has ratified the Convention; however, while implementing it in the national legislation it failed to reflect the notion of sexual harassment.
116.18	Further strengthen cooperation with the Human Rights Council and its mechanism	Myanmar		
116.19	Continue cooperating constructively with the universal human rights mechanisms and continue the practice of cooperation and dialogue with civil society	Tajikistan		
116.20- 116.21- 116.22	Continue and intensify cooperation with the international community in order to ensure access of international human rights and humanitarian actors and monitoring mechanisms to Abkhazia, Georgia, and Tskhinvali region/South Ossetia, Georgia, to monitor, report and address the human rights situation of internally displaced persons	Lithuania Ukraine Republic of Moldova		The Georgian authorities continuously raise the issue at international forums about access to international mechanisms and organizations of human rights, as well as access to monitoring missions on the occupied territories of Georgia. However, to this date, not a single international organization of human rights or human rights observation mechanism is represented on these territories and there is no access through human rights observation missions either.
116.23	Submit its overdue report to the Committee on Economic, Social and	Sierra Leone		

	Cultural Rights and the Committee against Torture		
117.1	Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	Uruguay	
117.2 117.3 117.4	Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Egypt Indonesia Mexico	
117.5	Take concrete steps to harmonize its national legislation with the Convention on the Rights of Persons with Disabilities and to ratify its Optional Protocol	Hungary	After 4 years since the ratification of the convention, Georgian legislation has not been harmonized with the principles under the convention; furthermore, the optional protocol has not been ratified to this date.
117.6	Take effective and coordinated measures on the issue of violence against women and domestic violence, including ratification of the Istanbul Convention on preventing and	The Netherlands	Despite positive changes regarding domestic violence and violence against women, taking effective preventive measures remains a challenge. Moreover, against the background of increase in reported incidents of violence, improvement of measures to protect and assist victims of violence and tailoring them to their varied needs remain a challenge. ² Despite numerous recommendations of the Public Defender, elaboration of a uniform methodological standard for maintaining statistics of incidents of violence against women and domestic violence has not been made possible; this, in the end, prevents from assessing the problem as well as planning and implementing need-based

² The examination and analysis of the cases by the Office of the Public Defender of Georgia show that effects of domestic violence are particularly serious for women with low or no income, women without education, single women, women affected by conflicts, older persons and women whose partners/former partners work/served in law-enforcement agencies and/or armed forces.

	<p>combating violence against women and domestic violence</p>		<p>programs/services.</p> <p>Involvement of social workers in the examination of incidents of domestic violence remains problematic. Furthermore, despite the fact that the legislation lays down undertaking of a mandatory course aimed at changing an offender's violent attitudes and behavior, except for probationers and convicts, provision of this service is not implemented in practice.</p> <p>It is noteworthy that, in the past few years, there has been an increase in reported incidents of domestic violence and applied protection measures; however, when responding to an incident, the following issues remain problematic: risk assessment, individual planning of victim protection and effective monitoring to prevent reoffending.</p> <p>The low number of applications from the regions, concerning domestic violence and identification of economic and psychological violence on the part of law-enforcement authorities, remain problematic.</p> <p>Furthermore, the awareness of law-enforcement representatives about violence against women and domestic violence is low. Victims of violence often indicate to the obstacles they face when communicating with law-enforcement agencies, namely, red tape in police stations and procedures that are not tailored to the needs of female victims of violence.</p>
<p>117.7</p>	<p>Increase respect for the rights of all citizens by strengthening anti-discrimination legislation and enforcement mechanisms and ensuring law enforcement provides universal equal treatment and due process</p>	<p>United States of America</p>	<p>To eliminate shortcomings in the legislation, the Public Defender of Georgia submitted the so-called first wave draft amendments to the parliament in 2015. These amendments are designed to improve the mechanism of enforcement of antidiscrimination law by private entities and to extend the term for filing complaints on alleged facts of discrimination with courts, which, in turn, will positively affect the effectiveness of the Public Defender as the institution protecting the equality. A timely adoption of amendments is crucial especially considering that discrimination is a frequent phenomenon in the private sector.</p> <p>Moreover, <i>harassment</i>, <i>sexual harassment</i> and <i>denial of reasonable accommodation</i> are not acknowledged as the forms of discrimination.</p>
<p>117.8</p>	<p>Improve the Law on Gender Equality to be in line with its Law on the Elimination of All Forms</p>	<p>Rwanda</p>	<p>See 117.7</p>

	of Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women		
117.9	Take active measures to combat discrimination and violence against women and improve its Law on Gender Equality in order to align it with the Convention on the Elimination of All Forms of Discrimination against Women	Namibia	See 117.6 - 117.7
117.10	Bring into line the Law on Gender Equality with the Law on the Elimination of All Forms of Discrimination, combating the patriarchal attitudes and stereotypes on the roles and responsibilities of women and men	Albania	For the purposes of fighting gender stereotypes existing in the society, the Public defender of Georgia issues General Proposals regarding discriminatory practices (e.g. public statements encompassing discriminatory elements, sexist commercials; herewith, conducts trainings for different groups of society.
117.11	Continue efforts towards the adoption of administrative and legislative measures to achieve equality of women, in particular to ensure their access to social and health services in all areas of Georgia and provide the same work and pay opportunities to	Mexico	<p>Limited access for women to material resources, a legislative regulation of issues such as equal pay for equal work, prohibition of sexual harassment, et cetera remain problematic in Georgia.</p> <p>Equal participation of women is also impeded by unequal distribution of child care load; The Maternity Protection Convention №183 of the International Labor Organization has not been ratified yet. The Georgian legislation envisages a child care leave for both parents, but the grounds of reimbursement of this leave, as specified in the decree of the Minister of Labor, Health and Social Protection of Georgia, are ambiguous and hinder the exercise of this right by male parents. The rule of reimbursement of the leave needs to be regulated in private sector because so far, the reimbursement of maternity, childbirth and childcare leaves to women depends on employers' good will and gender sensitivity.</p>

	men and women		
117.12	Strengthen existing law and practice to combat gender-based discrimination and sexual harassment, inter alia, with regard to labour	Poland	<p>One of the forms of discrimination against women, observed in the reporting period, was sexual harassment, although the number of complaints submitted to the Public Defender concerning this wrongdoing was not high. There are several reasons behind the scarcity of such complaints, including negative gender stereotypes, practice of blaming victims and lack of information.</p> <p>Sexual harassment at workplace or in public space is not regulated by legislation. The absence of relevant regulation further complicates the understanding of sexual harassment and negatively affects the indicator of exposure of such cases.</p> <p>Pregnant women represented a group of victims discriminated on the ground of sex in the reporting period too. Such women are, as a rule, discriminated against by private employers who refuse to extend the employment contracts to pregnant women.</p>
117.13	Modify its criminal law to criminalize all forms of racial discrimination	Sierra Leone	
117.14-117.15-117.16	Provide legislation explicitly prohibiting corporal punishment of children, including in the home, and consider awareness-raising activities to increase public knowledge about the issue	Estonia Hungary Poland	<p>Violence against children remains a problem especially in the area of identification and timely response to cases of violence and rehabilitation of child victims of violence. There is a lack of effective services which would ensure psychosocial assistance adjusted to real interests and needs of a child victim. LEPL Social Service Agency employs only 11 psychologists' countryside, which is clearly insufficient to meet existing needs.</p> <p>Bullying is a widespread form of relationship among minors in general educational institutions.</p> <p>Despite numerous recommendations of the Public Defender, prohibition of corporal punishment of children has not been introduced in legislation to this date.</p>
117.17	Continue its efforts to eliminate child marriage, including through considering to set the age of entry into marriage at 18 years	Egypt	<p>Early marriage and engagement remain one of most alarming manifestations of gender inequality adversely affecting the rights of women and girls. It is a welcome development that since 1 January 2017, on the basis of Public Defender's legislative proposal, the registration of marriage of under-18 persons has been prohibited. A positive impact of this move was a decreasing number of such marriages. However, the indicator of under-age parents of newborns remains high and the problem of coexistence in early age, forced marriage, engagement and abduction persists. There is a need to raise awareness of risks associated with early marriage through mainstreaming gender education and a complex life skills/sexual learning in the education system.</p> <p>The analysis of cases studied by the Office of Public Defender shows a weak coordination among general educational</p>

			<p>institutions, law enforcement agencies and the Social Service Agency on cases of early marriage.</p> <p>Yet another challenge along with the early marriage is the early engagement. According to the information provided by the Interior Ministry, the investigation was launched into six cases of forced marriage, pursuant to Article 150 of the Criminal Code of Georgia, but terminated in five cases; moreover, a court did not hear any of such cases.</p>
117.18	Continue its efforts to strengthen the institutional and normative human rights framework with regard to freedom of expression	Serbia	<p>In this regard, it is noteworthy that there have been no substantial amendments to the Law of Georgia on Assemblies and Demonstrations since 2015. It is important to amend the law for ensuring compatibility of the domestic legislation concerning the right to assembly and demonstration with international standards and <i>inter alia</i> provide for the possibility of holding spontaneous demonstrations in accordance with the recommendations of the Public Defender and the Council of Europe's Venice Commission. Furthermore, the law should provide for deciding about holding an assembly and demonstration within 20-meter radius from specific buildings on an individual basis instead of imposing a blanket prohibition in this regard.</p>
117.19	Harmonize the law with the Convention relating to the Status of Refugees	Honduras	<p>The positive changes regarding the adoption of the Law of Georgia on International Protection are commendable. While the law takes into account directives concerning international protection standards as well as provisions of the United Nations Convention Relating to the Status of Refugees, there are shortcomings that need to be addressed and corrected. Namely, the law provides for a lengthy period for the consideration of an application on international protection. This has negative implications for asylum seekers, especially for those without any livelihood (except for those living at a reception center for asylum seekers and receiving a monthly allowance and other benefits) necessary for residing in a foreign country. The wording of the law according to which the term of consideration of an application can be extended if there are "factual and legal issues identified" is very general and needs to be specified. Therefore, the provision of the law, that in special circumstances consideration of the case should not exceed 21 months, is unreasonable in the Public Defender's opinion and it might negatively affect asylum seekers who will have to be in a limbo for a long period.</p> <p>Under the Convention on the Rights of the Child, in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. While there is a relevant article in the law titled as "considering the best interests of the underage persons", we believe that the law should also provide for "establishing the best interests of the underage persons" within the procedure of granting asylum as well as determine relevant procedural rules.</p> <p>It is important to focus on Article 7.1 of the law under which an alien or a stateless person should be exempted from criminal responsibility for crossing the state border illegally and committing other actions, provided that he/she requests international protection from the Government of Georgia. However, under Article 7.4, if a final decision on international protection finds that an alien or a stateless person is not in need of international protection, the person concerned will be held criminally responsible. Such a wording contradicts the Geneva Convention Relating to the</p>

			Status of Refugees. Considering that, through accession to the convention, Georgia undertook a commitment of its implementation, it is necessary to abolish the abovementioned wording.
117.20	Continue its efforts to further promote human rights	Djibouti	
117.21	Continue working with the national mechanisms that defend the social rights of the most vulnerable groups of the population	Tajikistan	<p>An unstable nature of giving allowances to beneficiaries remains to be a significant shortcoming of the subsistence allowance program. The existing system does not motivate beneficiaries to seek employment. When there is a new income, the data of a beneficiary's family is corrected, and it is highly likely that they will no more be eligible for subsistence allowance and related benefits. Therefore, employment is tantamount to losing subsistence allowance for the beneficiaries as the existing social security system is calibrated to such minimum needs that any change in the income, even a minor salary or other economic activity, will result in the substantial increase in the rating score. In this regard, it is imperative to ensure that beneficiaries/their family that are fit to work continue receiving subsistence allowance in parallel to employment for a certain period to feel more stable. Otherwise, objectives such as improving socio-economic situation of poor families and reducing poverty in the country cannot be achieved.</p> <p>Furthermore, the considerable delay in determining subsistence allowance is a serious shortcoming of the process. Namely, a family receives allowance after 3,5-month period from the moment of filling out a declaration about the family's socio-economic assessment. The State Audit Office examined this issue and found that it was possible to significantly reduce the terms of administration procedure. This can be achieved through reduction of procedural terms related to enforcement and allocation of allowance and expedient distribution of resources when calculating rating scores. Therefore, it is important to reduce the terms and the waiting period. This will enable the Social Service Agency to respond more promptly to the needs of socially vulnerable families.</p> <p>Furthermore, provision of homeless persons with accommodation is also a significant problem. While there are certain programs in place, there are no uniform approaches or standards in this regard.</p>
117.22	Observe all human rights principles and international conventions, and raise awareness among the population regarding human rights values	Turkmenistan	
117.23	Adopt and implement in due course the proposed	Norway	

	Civic Equality and Integration Strategy and Action Plan for 2015-2020, with a sound financial political backing		
117.24	Strengthen the Gender Equality Council	Latvia	
117.25	Further effectively implement the National Action Plan on Gender Equality and the Action Plan for Combating Domestic Violence by ensuring required financing and reinforcing the capacities of professionals	Lithuania	Monitoring conducted by the Office of the Public Defender of Georgia, which covered the assessment of an action plan on gender equality and women's rights showed that implementation by responsible agencies of activities under the action plan was mostly possible based on external support; activities were sporadic and the implementation process was rather difficult due to the existing obstacles such as discrepancies between the goals and tasks determined by the action plan on the one hand and the general policy existing in the country on the other hand as well as absence of the responsible agencies' human and financial resources required for the implementation of the action plan, etc.
117.26	Continue to strengthen and support the effectiveness of the Georgian National Preventive Mechanism	Denmark	<p>The Public Defender welcomes the amendment made to the Imprisonment Code, which allows the Public Defender and members of the Special Preventive Group to take photos in penitentiary establishments. However, the Public Defender maintains that several problems need to be addressed to facilitate activities of the National Preventive Mechanism (NPM); namely, members of the Special Preventive Group should have unhindered access to video surveillance systems installed in penitentiary establishments, police stations and temporary detention isolators under the Ministry of Internal Affairs of Georgia as well as their recordings.</p> <p>The Public Defender deems it important that the Special Preventive Group should have access to all relevant documents and other materials to be able to implement its activities effectively. It includes information containing special category of personal data. This information is contained in almost all those documents and materials that are studied on-site during visits to closed establishments and are subsequently requested in writing (for instance, medical logs, logs of bodily injuries, medical cards, statistics of disciplinary sanctions indicating surnames, etc). The Public Defender points out that the NPM's access to information containing personal data is restricted in some cases; namely, they are requested to obtain informed consents from relevant data subjects. Sometimes, public agencies simply refuse to provide requested information under the pretext of protecting personal data. It should be noted, concerning a data</p>

			<p>subject's written consent, that members of the Special Preventive Group examine vast volumes of information as a part of monitoring. Obtaining written consents will delay the monitoring and render the NPM's work ineffective.</p> <p>For eradicating the abovementioned nefarious practice, the Public Defender deems that amending the relevant legislative acts is important. The legislative amendments should specify and clarify the relevant legislative safeguards that are related to the NPM's free and unhindered access to personal information, including special categories of personal data. This is immediately linked with the discharge of the NPM's mandate.</p> <p>Based on the aforementioned, the Public Defender proposes an amendment to the Organic Law of Georgia on the Public Defender of Georgia; namely, it is necessary to specify the right of access to materials "necessary for inspection" under Article 18.b) of the organic law. Through express statutory wording, it should be made clear that the NPM has the right to inspect the process of visual and/or electronic surveillance and control. Such express regulation is aimed at eradicating the problems arising in practice where members of the Special Preventive Group have no access to the electronic surveillance systems in the offices of central management and remote control of the Penitentiary Department.</p> <p>Article 19¹.1 of the Organic Law on the Public Defender of Georgia should also be amended to the effect of including an express wording that specifies the Special Preventive Group's authority to have access to personal information of individuals placed in institutions of deprivation/restriction of liberty and other places, including special categories of personal data.</p>
117.27	Take all measures in further implementing the Action Plan for the Protection of Human Rights in Georgia, in particular by allocating sufficient funding from its national budget	Indonesia	
117.28	Continue implementing the national strategy for the promotion and protection of human rights	Tajikistan	

117.29	Promote new actions and initiatives to continue progressing in its efforts to implement the National Human Rights Strategy	Turkmenistan	
117.30	Consider instituting an action plan that defines measures to prevent and combat discrimination on different grounds in all levels of governance in the country	Serbia	
117.31	Analyse the possibility of establishing a national system of follow-up to international recommendations	Paraguay	
117.32	Ensure effective implementation of the laws on the elimination of all forms of discrimination and gender equality, including by putting in place effective enforcement mechanisms and raising awareness about the provisions of the legislation	Slovenia	
117.33	Include in the implementation of its anti-discrimination legislation effective measures that strengthen religious tolerance, gender equality and equal rights	The Netherlands	The most vulnerable groups in terms of exercise of the right to equality still include women, persons with disabilities, including children, representatives of LGBT+ community and religious minorities. Insufficient legislative guarantees, wrong opinions deeply rooted in the society and the lack of measures implemented by the state to ensure equality impede the effective enforcement of existing regulations.

	for ethnic minorities, women and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, so as to increase tolerance and social inclusion in Georgian society		
117.34	Improve the implementation of the anti-discrimination law, including disseminating the information on its provisions to the public as well as the personnel of the justice and law enforcement systems and strengthen the role of the Ombudsperson in this regard	Czech Republic	See 117.7
117.35	Strengthen efforts towards promotion of gender equality	Greece	<p>Equal participation of women in the decision making process is an essential prerequisite for attaining the gender equality. Unfortunately, women's participation in the political life remains a problem in Georgia, with the lack of state initiatives and reluctance of political parties to support the promotion of women further aggravating the problem. Women's participation in the implementation of local self-governance remains a problem too.</p> <p>Steps taken by local self-government bodies to mainstream gender equality are insufficient and often of nominal nature. The majority of self-government units lack gender advisors while the regions where gender equality councils are set up and gender advisors appointed, need to strengthen the mentioned mechanism institutionally. The activity of municipalities to meet women's needs is mainly focused on programs envisaging one-off assistance and payment of the rent to single and multi-children mothers, and victims of domestic violence. However, these projects are implemented only in several municipalities and society is not aware of these projects.</p>
117.36	Undertake further measures to improve the de facto position of women by implementing international	Island	

	commitments from the Committee on the Elimination of Discrimination against Women and the Beijing Platform for Action, through concrete and effective policies and programmes		
117.37	Continue to prioritize gender equality and consider the incorporation of international best practices in policies and legislation relating to the employment of women and combating violence against women	Singapore	
117.38	Make further efforts to ensure human rights for women and develop effective mechanisms for the monitoring, investigation and punishment of offenders in cases of violence against women	Republic of Korea	<p>It should be noted that the indicators of the detection of domestic violence and application of protective measures have increased over the past few years; however, the risk assessment when responding to an incident, the development of an individual plan for the protection of a victim and the conduct of an effective monitoring to avoid repeated violence are the issues that remain problematic.</p> <p>At the same time, the awareness of issues of violence against women and domestic violence is low among representatives of law enforcement agencies. Victims of violence often speak about the barriers they come to face when interacting with law enforcement agencies. In particular, these are bureaucratic rules and procedures of police departments, which are not tailored to needs of female victims as well as prejudices of law enforcement offices, that increase the risk of secondary victimization of the victims of violence.</p> <p>As a result, the tendency of victims reporting about the violence but refusing to continue the consideration of a case persists; a reason behind this is distrust in existing services and protective mechanisms and the absence of future prospects.</p> <p>The notifications entering the LEPL 112 concerning alleged domestic violence and domestic conflicts are still not</p>

			<p>being analysed.</p> <p>The Ministry of Internal Affairs has not developed risk assessment instructions for the incidents of domestic violence and in most cases repeated violence cannot be prevented.</p>
117.39	Take all necessary measures to promote women's rights and fight domestic violence and forced marriages	France	<p>The indicator of under-age parents of newborns remains high and the problem of coexistence in early age, forced marriage, engagement and abduction persists.</p> <p>There is a need to raise awareness of risks associated with early marriage through mainstreaming gender education and a complex life skills/sexual learning in the education system.</p>
117.40	Continue to implement measures to promote the participation of women in society	Japan	<p>Unfortunately, in 2018, the Parliament of Georgia did not support an initiative aimed at furthering women's participation in decision-making process that concerned introduction of gender quotas as an interim statutory measure.</p>
117.41	Take measures in order to combat hate speech and xenophobia	Namibia	
117.42	Address proactively issues of racial and all forms of discrimination in Georgia	Nigeria	
117.43	Address violence and hate speech against religious minorities	Nigeria	<p>The state does not demonstrate the will to resolve the systemic problems linked with freedom of religion and right to equality of religious minorities. Accordingly, many recommendations made by the Public Defender regarding these issues are reiterated in the reports each year.</p> <p>The recommendations made to the Ministry of Internal Affairs of Georgia and the Chief Prosecutor's Office concerning investigations delayed for years are still unfulfilled. Namely, since 2012, numerous incidents of violation of Muslims' rights were identified in various geographic areas of Georgia. In two cases, the law enforcement authorities themselves allegedly used excessive force. Investigation has been pending to this date without any results. Not a single person has been prosecuted or charged with alleged crimes against Muslims in any of these cases. Besides, not a single Muslim person has been given the victim status. Also, no legal result has been secured in violations against Jehovah's Witnesses that took place in 2016.</p> <p>The issue of returning religious buildings that were nationalised during the Soviet period to respective religious associations remains unresolved.</p>

			<p>Religious minorities face obstacles in the process of constructing new religious buildings. This trend continued even after the recommendations made in 2016. The local self-government bodies responsible for issuing construction permits often refuse to grant such permits to non-dominant religious associations without giving any reasons, without following the principle of separation of state from religion and manifest their partial approach towards the dominant religious group.</p> <p>Those provisions in Georgian legislation that place non-dominant religious associations in unequal positions remain intact. The state still carries out unequal policies in terms of funding religious associations and restitution for damages inflicted in the Soviet period.</p> <p>The environment in public schools is discriminatory. The Law on General Education prohibits unequal treatment in schools, display of religious symbols without academic use, indoctrination and proselytising. However, the law is not upheld comprehensively. Despite the recommendation made by the Public Defender, no special monitoring group has been set up and no action plan has been developed that would facilitate eradication of discriminatory practices in public schools.</p>
117.44	Take all necessary measures to effectively fight against discrimination, including against religious minorities and LGBTI persons	France	<p>The complaints studied by the Public Defender prove that LGBT+ community encounters discrimination in almost every sphere of life. According to information provided by nongovernmental organizations and other activists, representatives of LGBT+ community sometimes opt not to disclose facts of alleged discrimination for fears of being further stigmatized.</p> <p>Negative stereotypes about LGBT+ community are still widespread among society, causing the restriction of some of their rights on discriminatory grounds and encouraging violence against them. An example of such attitude is an incident that took place in Batumi on 25 August 2017, when law enforcement officers allegedly mistreated L.B. and T.K., representatives of LGBT+ rights defender and, members of the non-profit nongovernmental organization Equality Movement.</p> <p>As the activity of the Public Defender shows, representatives of LGBT+ community often fell victim to discrimination when receiving services and renting a space. Sometimes, applicants are subject to discrimination regardless of whether they belong to the LGBT+ community or not, mainly due to their appearance or dress style.</p>
117.45	Development of training programmes for judges, personnel of the judiciary, penitentiaries and police forces, regarding the implementation and	Chile	

	interpretation of the laws criminalizing racism-related offences		
117.46	Provide appropriate services with the necessary resources, including to train and raise the awareness of the judiciary and the public, in order to ensure that these new measures adopted to fight racial discrimination or gender/sexual identity discrimination are effective	Belgium	<p>For establishing the penitentiary system that is based on the principle of prevention of discrimination and ensuring equality it is necessary to identify specific needs of different groups and meet those needs. In this regard, there are certain challenges in penitentiary establishments, among others, the stigma attached to those associated with LGBT+ community, subjecting them to psychological violence, isolation and marginalisation in prison life; inadequate rehabilitation of life-sentenced prisoners; foreign prisoners' limited access to services due to linguistic barriers; failure to take into account needs of various religious convictions when preparing food; placing juveniles in facilities for adults (establishments nos. 2 and 8); and placing women prisoners in facilities for men (establishment no. 2), where, unlike special penitentiary establishments, corresponding services are not provided.</p> <p>Prisoners sentenced for life in establishments nos. 6 and 7 were not allowed to be involved in rehabilitation activities. As regards establishment no. 8, here some prisoners sentenced for life participated in educational programmes, which is commendable. However, it is difficult to consider the said programmes as regular, targeted and diverse activities tailored to individual needs.</p> <p>For the purposes of fighting gender stereotypes existing in the society, the Public defender of Georgia issues General Proposals regarding discriminatory practices (e.g. public statements encompassing discriminatory elements, sexist commercials; herewith, conducts trainings for different groups of society.</p>
117.47	Combat social stigmatization, hate speech, discrimination and violence motivated by sexual orientation or gender identity	Argentina	<p>The practice of the Public Defender makes it clear that abusive statements of high officials or other public persons that encourage discriminatory attitudes towards women, PWDs, LGBT+ community and religious minorities represent a serious challenge to the protection of equal rights.</p> <p>In the reporting period, the Public Defender repeatedly reacted to advertisements and reports encouraging discrimination and contributing to the establishment and enhancement of sexist and other discriminatory stereotypes and stigma.</p>
117.48	Improve implementation and enforcement of the Law on the Elimination of All Forms of Discrimination, particularly in its application towards the	Canada	

	protection of individuals belonging to sexual and religious minority groups		
117.49	Support public education campaigns to combat hate speech, discrimination and violence related to sexual orientation and gender identity, as well as social stigmatization of LGBT persons	Brazil	
117.50	Strengthen its policy aimed at preventing torture, ill-treatment and other cruel or inhumane treatment by the sentence-execution officers in Georgian penitentiary establishments	Bulgaria	<p>The Public Defender notes the ongoing positive tendency of receiving fewer complaints concerning the ill-treatment of prisoners. None of the proposals made by the Public Defender in 2017 concerned alleged ill-treatment of prisoners by staff. However, the effectiveness of the investigation remains as a challenge.</p> <p>In 2013-2017, the Public Defender submitted 72 proposals to the Office of the Chief Prosecutor of Georgia requesting investigation of incidents of alleged ill-treatment by police officers and prison staff. Despite the practice of launching investigation upon receiving the proposal prosecutor's office failed to identify alleged perpetrators in any of the cases.</p> <p>The Public Defender has been calling upon the prosecutor's office for years to conduct investigations regarding alleged ill-treatment under Article 1441 (torture) and 1443 (degrading or inhuman treatment) of the criminal Code of Georgia. Nonetheless the majority of investigations are conducted under Article 333 (abuse of official authority).</p> <p>In 2016 and 2017 the Public Defender's Office inspected several case-files regarding incidents of ill-treatment that were discontinued and established that all of the case files demonstrated incomprehensiveness, one-sidedness and delay beyond reason. Moreover, the alleged victims were mostly left out of the process. Out of 72 cases mentioned above, the formal victim status was issued only in 2 cases and the rest were not even allowed to look into the investigation proceedings.</p>
117.51	Enhance efforts to ensure compliance with international standards as set out in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel,	Hungary	

	Inhuman or Degrading Treatment or Punishment		
117.52-117.53	<p>Adopt the necessary measures to improve the living conditions of detainees and avoid prison overcrowding</p>	<p>Andorra Austria</p>	<p>The Public Defender welcomes determining capacity limits for remand and sentenced prisoners in the penitentiary establishments by Order no. 106 of the Minister of Corrections of 27 August 2015. The Public Defender, however, stresses that the standards determined by the order are not followed in some cases which causes overcrowding in establishments. For instance, the number of sentenced prisoners considerably exceeds the determined limit in establishment no. 15, although there are sufficient places within determined limits in other semi-open prison facilities (the situation remained the same in 2018).</p> <p>The size and architectural design of the operational establishments are problematic. There still are old so-called barrack type dormitories in establishments nos. 14 and 17. It is important that the Ministry of Corrections should develop a concept of dividing the system into smaller establishments and setting up a balanced infrastructure.</p> <p>The Public Defender deems it impermissible that the Imprisonment Code determines the minimum living space of 3m² per remand prisoner. Provision of each convicted/arrested person with the minimum living space of 4m² remains a challenge in penitentiary establishments nos. 2, 8, 12, 14, 15, and 17 as well as in temporary detention isolators.</p> <p>The space in the buildings of the closed type prison facilities and special risk prison facilities is practically fully taken up by cells; there is no requisite infrastructure allocated or arranged for daily activities. Strict regime of being locked up in a cell for 23 hours a day, without any recreational activities, is not conducive to positive changes in convicted persons' behavior.</p> <p>The Public Defender commends the efforts of the ministry towards improving the infrastructure of penitentiary establishments. However, problems remain in terms of ensuring in cells sanitary and hygienic conditions (in penitentiary establishments nos. 2, 5, 7, 8, 12, 14, 15, 17, 18, and 19), adequate ventilation (in penitentiary establishments nos. 2, 3, 5, 6, 7, 8, 9, 14, 15, and 17) and sufficient lighting (in penitentiary establishments nos. 3, 7, 8, and 14). Similar problems also exist in some temporary detention isolators.</p> <p>The Public Defender deems it unjustified that the Imprisonment Code determines 3 m² as the minimum standard of living space for remand prisoners, as, stemming from presumption of innocence, remand prisoners should not be kept in worse conditions than convicted persons.</p>
117.54	<p>Develop a high standard of human resource management to avoid administrative infractions</p>	<p>Bosnia and Herzegovina</p>	<p>The penitentiary system faces the problems of adequate remuneration and creating favorable working conditions for the personnel of penitentiary establishments. Along with other problems, these issues constitute reasons due to which the ministry is unable to staff penitentiary establishments with qualified personnel, whereas those establishments face serious necessity for additional human resources. In this regard, inadequate staffing of medical personnel is</p>

	and human rights violations in prisons		<p>noteworthy. The ratio of numbers of prisoners and nurses is quite high in some penitentiary establishments. On-duty doctors and nurses have to work busy night shifts. Paramedics have low remuneration. Psychologists and social workers also have to work in hard conditions, considering the existing high demand and volume of work.</p> <p>The Public Defender negatively assesses the fact that, despite a stressful working environment, there are no measures in place to avoid professional burnout of penitentiary establishments' staff.</p> <p>The Public Defender welcomes the implementation of mandatory certification retraining program for personnel employed in penitentiary establishments. It should also be noted that examination of study programs and training sessions conducted in penitentiary establishments showed that the methodology of curricula is of general nature and needs further improvement. The course syllabus does not provide information about the teaching format to be used during each session and the specific topics to be covered within each session. It is not clear from the training program whether participants evaluate the training sessions and provide information about their further educational needs.</p> <p>Concerning inclusion of human rights issues in study programs, it can be said that the duration allocated for human rights topics in the study programs cannot ensure comprehension of theoretical and practical aspects of key human rights problems.</p> <p>The Public Defender deems it important to have the following issues covered with a particular focus within the certification study courses: management of violent offenders through preventive and defusing techniques such as negotiation and mediation. Furthermore, the methodology of each study program and training session should include examination and assessment of participants through observation of their involvement in various simulated situations and role-plays.</p>
117.55	Continue the efforts to strengthen human rights protection in penitentiary establishments	Bulgaria	
117.56	Continue improving the conditions in prisons, particularly to focus on conditions around pretrial detention	Australia	<p>The Public Defender deems it unjustified that the Imprisonment Code determines 3m² as the minimum living space per remand prisoner; stemming from presumption of innocence, accused persons should not be placed in more restricted conditions compared to convicted persons.</p> <p>The Imprisonment Code currently in force does not guarantee a remand prisoner's right to a long-term visit. The Public Defender recommends allowing long-term visits for remand prisoners with due account for interests of investigation.</p> <p>There are no rehabilitation activities for remand prisoners in penitentiary establishments. They spend 23 hours in cells without any possibility to be occupied with worthwhile and interesting activities. Besides, in some cases, accused and</p>

			sentenced persons were placed together in a cell. This is a breach of a requirement under the Imprisonment Code and runs counter to security purposes.
117.57	Provide female prisoners with long-term visits, especially taking into account the best interest of their children	Croatia	<p>The Public Defender welcomes the amendments made to the normative basis governing contacts between mothers and minors, which take into account the best interests of the child.</p> <p>Regarding the exercise of the right to short-term visits, remand and sentenced prisoners are able to meet their family members face to face during such visits in penitentiary establishment no. 5. However, it should be noted that the infrastructure of short-term visit rooms does not allow visits to be held in a confidential environment as several visits take place at the same place at the same time. Therefore, details of a prisoner's private life could be revealed to other prisoners. It is important to have infrastructure of short-term visit rooms arranged so that confidentiality of female prisoners' private life is respected.</p>
117.58	Take the necessary measures to fight violence against women and domestic violence	Algeria	See 117.6
117.59	Step up awareness-raising and preventive measures on the issue of domestic violence	Belarus	See 117.6
117.60	Take measures to prevent domestic violence, including by raising awareness, encouraging women to report acts of sexual and domestic violence, protecting the victims and ensuring the effective investigation, prosecution and punishment of perpetrators	Slovenia	See 117.6
117.61	Improve protections for victims of domestic violence, including by ensuring timely	Canada	See 117.6

	investigations, prosecuting perpetrators, and training police in risk-based assessments		
117.62	Establish centres supporting women and girl victims of gender violence	Spain	<p>Part of recommendations which the Public Defender issued after the monitoring of shelters for victims of violence and trafficking remains unfulfilled. The shelters fail to properly ensure the self-realization of beneficiaries, their empowerment and psycho-social rehabilitation. The problems that persist include: the provision of housing and financial support to victims after they have left shelters, adjustment of shelter buildings, and collection of information about the health of beneficiaries upon their admittance to shelters.</p> <p>In the reporting period, the Public Defender of Georgia studied several cases where victims of violence refused to use a shelter because if they did so they would be stripped of minimum subsistence allowance while after leaving the shelter they would have to undertake procedures anew to receive social assistance. In this regard it should be noted that the procedure for the issuance of compensation to victims of domestic violence is unregulated. Under the assumed obligation, the state must develop this procedure within five years. Thus, in order to provide victims of violence with effective protection and assistance, the procedures for granting, suspending and terminating the status specified in the rule for socioeconomic evaluation of the condition of socially vulnerable families must be revised so that victims of domestic violence are timely provided with necessary support.</p>
117.63	Redouble its efforts in the fight against domestic violence by ensuring effective investigation into incidents of domestic violence and providing adequate support and assistance to victims	Macedonia	See 117.6
117.64	Take steps to address reported allegations of child and early and forced marriages	Ghana	<p>There is a need to raise awareness of risks associated with early marriage through mainstreaming gender education and a complex life skills/sexual learning in the education system.</p> <p>The analysis of cases studied by the Office of Public Defender shows a weak coordination among general educational institutions, law enforcement agencies and the Social Service Agency on cases of early marriage. This is also proved by the information provided by the Social Service Agency, saying that it studied only 98 cases of early marriage in 2017.</p> <p>Yet another challenge along with the early marriage is the early engagement. According to the information provided</p>

			by the Interior Ministry, the investigation was launched into six cases of forced marriage, pursuant to Article 150 ¹ of the Criminal Code of Georgia, but terminated in five cases; moreover, a court did not hear any of such cases.
117.65	Prevent the practice of child marriage among all ethnic groups	Portugal	See 117.17 – 117.64
117.66	Implement the recommendations of the Committee on the Elimination of Discrimination against Women for better observance of its obligations under the Convention on the Elimination of All Forms of Discrimination against Women, in particular effectively apply the ban on early and forced marriages, including through the adjustment of the national legal framework, by paying particular attention to vulnerable groups	Switzerland	See 117.17- 117.64
117.67	Increase efforts to eliminate early marriages through, implementation of the relevant recommendation made by the Committee on the Elimination of Discrimination against Women	Macedonia	See 117.17-117.64

117.68	Reinforce the capacities of professionals in the identification, referral and protection of victims of gender-based violence and provide legal and medical support to victims	Republic of Moldova	<p>The awareness of issues of violence against women and domestic violence is low among representatives of law enforcement agencies. Victims of violence often speak about the barriers they come to face when interacting with law enforcement agencies. In particular, these are bureaucratic rules and procedures of police departments, which are not tailored to needs of female victims as well as prejudices of law enforcement offices, that increase the risk of secondary victimization of the victims of violence.</p> <p>As a result, the tendency of victims reporting about the violence but refusing to continue the consideration of a case persists; a reason behind this is distrust in existing services and protective mechanisms and the absence of future prospects.</p>
117.69	Develop prevention strategies on gender-based violence and establish rehabilitation services for victims of violence	Norway	See 117.62
117.70	Continue to implement the legislation on domestic violence and ensure training of law enforcement officials to identify all forms of domestic violence	Slovakia	<p>The Public Defender sees the link between the high indicator of femicide and the absence of the system for the monitoring violence against women and domestic violence and the risk assessment. In 2017, the Gender Equality Department of the Office of Public Defender studied the cases of femicide/attempted femicide where incidents of alleged domestic violence had been reported to the Interior Ministry before the crimes were committed.</p> <p>In a number of cases, according to the information provided by the Interior Ministry, the response was not undertaken because the victims canceled their reports to the police. In such cases the law enforcement agency does not enquire about the reason of cancellation to find out whether it was a fear of the victim of the offender or the intimidation of a victim by the offender. A matter of special attention is a situation where a victim has repeatedly reported violence to police and police responded to some of these incidents. In such cases, law enforcement officers consider each report as a separate incident and disregard a regular and continuous nature of domestic violence.</p> <p>One should also underline those cases of femicide, where, according to law enforcement agencies, victims did not turn to the police for help. As the analysis of cases studied by the Public Defender suggests, the reasons of that is mistrust towards law enforcement agencies, the fear of more severe violence and disbelief in the efficiency of existing mechanisms of protection and assistance.</p>
117.71	Implement policies for the effective combating of domestic violence, including information and	Chile	See 117.6

	awareness-raising programmes to prevent this scourge		
117.72	Ensure that its strategies for addressing domestic violence are effectively implemented, monitored and sustained	Philippines	
117.73	Increase training of teaching staff throughout the country, so that they are better prepared to identify situations of abuse or domestic violence against children	Paraguay	
117.74	Continue efforts in the fight against human trafficking	Greece	
117.75	Ensure justice that is independent and transparent, and that respects the right to defence	France	
117.76	Pursue its policy of reform towards a fully independent judicial system	Portugal	<p>The Public Defender has been advocating for years to transform the process of appointing judges in a manner that would dispel the public's doubts. Unfortunately the practice remains ambiguous, subjective and secretive. The statutory criteria for selection of judges do not meet the standard of objectiveness. The procedure of selecting candidates is not adequately governed with due regard for transparency.</p> <p>Besides, appointment of judges for a probationary period proves to be particularly problematic. This practice raises doubts in regards to the possibility of indirect manipulation of judges as they may worry as to how a particular judgment will reflect upon the chances of permanent appointment. Therefore the decisions taken by probationary judges have less credibility for the public.</p>
117.77	Undertake a comprehensive review of arrangements for the appointment, training and	Ireland	<p>The High School of Justice (HSJ) is an important link in the structure of the judiciary. For the judiciary to be effective the HSJ should be independent of the executive and the legislature; also, to shield the HSJ from inappropriate outside influence, it should be distanced from judicial bodies. In the CCJE's opinion, the same authority should not be directly responsible for both training and disciplining judges.</p>

	<p>transfer of judges, with a view to ensuring their independence and their full understanding and application of human rights obligations</p>		<p>Under Article 3 of the Law of Georgia on the High School of Justice, out of the 6 members of the independent board, 5 are appointed by the High Council of Justice of Georgia, whereas the HCoJ also appoints judges. In parallel, the HCoJ takes the following decision regarding the school: conducting qualification examinations of judges; determining the total number of trainee justices to be admitted to the HSoJ; conducting a competition for school admission; and admission of applications of those willing to take part in the competition and admission to the HSoJ.</p> <p>Stemming from the fact that the HCoJ is in charge of disciplinary proceedings, responsible for its implementation and has influence in general over the entire process, which <i>inter alia</i> implies suspension of the proceedings, it is necessary to decentralise the school and make it functionally autonomous. This implies both forming the independent board and determining its autonomous competences.</p> <p>Selection and appointment of judges is the most important issue. The HCoJ was created to solve this central problem and there are judicial reforms underway at various stages. The Public Defender and the NGOs that have been observing the judicial selection and appointment process have been discussing various institutional problems for years that make it impossible to appoint judges in a manner that would dispel the public's doubts. The Office of the Public Defender of Georgia also observed the process of judicial appointments several years ago.</p> <p>The statutory criteria for selection of judges do not meet the standard of objectiveness. There is no previously published list of the information and sources required for verifying the criteria based on which judges should be selected. The process of judicial selections does not meet the transparency standard, namely, the procedure of selecting candidates is not adequately governed with due regard for transparency.</p> <p>Apart from obscurity of criteria, the possibility of holding interviews with judicial candidates behind closed doors gives rise to even more doubts in the public.</p> <p>The appointment of judges for a probation period is particularly problematic. This period allows for manipulation of judges as the decision about appointment is yet to be taken and a judge may worry about how a particular judgment reflects upon the chances of life-time appointment. On the other hand, the decisions taken by probationary judges have less credibility in the public. Therefore, it is imperative to abolish appointments for a probationary period or to determine that judges appointed for a probationary period cannot act as single judges or to increase the training period to be spent at the HSoJ so that judges spend the probationary period there.</p>
117.78	<p>Further strengthen its efforts to combat and investigate ill-treatment of prisoners and detainees</p>	Montenegro	<p>The effectiveness of the investigation regarding ill-treatment remains as a challenge.</p> <p>In 2013-2017, the Public Defender submitted 72 proposals to the Office of the Chief Prosecutor of Georgia requesting investigation of incidents of alleged ill-treatment by police officers and prison staff. Despite the</p>

			<p>practice of launching investigation upon receiving the proposal prosecutor's office failed to identify and charge the alleged perpetrators in any of the cases.</p> <p>Investigations are launched and conducted not under the article of torture or ill-treatment but under abuse of official authority. Investigation case files studied by the Public Defender demonstrate incomprehensiveness, one-sidedness and delay beyond reason. Moreover, the alleged victims are mostly left out of the process.</p>
117.79	Adopt measures providing for independent and effective investigation and prosecution of all cases of alleged ill-treatment of persons in detention facilities as well as for remedies for victims	Czech Republic	
117.80	Ensure that instances of ill-treatment of prisoners and detainees are eliminated and that proper and thorough investigations are conducted in such situations in order to hold perpetrators accountable	Ireland	See 117.50
117.81	Ensure that all allegations of torture and ill-treatment are thoroughly investigated by an independent mechanism	Turkey	<p>For years the Public Defender has made numerous recommendations concerning the establishment of an independent investigative mechanism. Despite the draft law submitted by the Ministry of Justice being insufficient in terms of guaranteeing the effectiveness of the independence of the investigative process the Public Defender believes that in case her comments are agreed upon, the draft law might play a positive role in investigating ill-treatment.</p> <p>The Public Defender submitted her observations concerning various aspects of the draft law that have not been taken into account to this date. First and foremost, according to the draft law, the State Inspector cannot investigate crimes committed by the Minister of Internal Affairs and the Head of the State Security Service. The recent experience of Georgia shows that this kind of a restriction is not advisable.</p> <p>According to the draft law the Chief Prosecutor will retain the power to transfer the case to any branch of the prosecution service without following investigative jurisdiction requirements. The investigative jurisdiction of</p>

			<p>the State Inspector, therefore, can be limited at any time. Besides, not limiting such power might result into the officials being tasked to investigate the very crime they had allegedly committed.</p> <p>The main challenge however presents itself in the power of the prosecutor's office to carry out procedural supervision over the investigation conducted by the State Inspectorate. This implies full control of the prosecutor's office. The prosecutor's instructions (in both a negative and positive sense) will remain mandatory for investigators of the Office of the State Inspector. If the draft law aims at establishing an independent investigative mechanism, it is imperative to allow the Office of the State Inspector to conduct investigation independently, and without a prosecutor's mandatory instructions</p>
117.82	Ensure the effective investigation of cases of violence against women; prosecute and punish perpetrators	Estonia	See 117.6
117.83	Ensure the effective investigation of episodes of violence against women and domestic violence, to bring perpetrators to justice and provide victims with adequate compensation, protection and assistance	Italy	See 117.62
117.84	Strengthen its national strategy to reform the prison system, in particular to promote the prompt reintegration of juvenile detainees into society	Morocco	
117.85	Undertake effective measures to guarantee access to education for juveniles in the penitentiary system	Croatia	

117.86	Provide, in accordance with its respective obligations under international human rights law, effective protection to the family as the natural and fundamental unit of the society	Egypt	
117.87	Establish a system for birth registration that covers all children without discrimination by reason of race, ethnicity or nationality, sex or religion	Paraguay	
117.88	Improve the birth registration system to guarantee registration for every child with the issuance of a birth certificate	Turkey	
117.89	Adopt and implement all necessary measures to register the birth of children, particularly children belonging to minorities, who are born in remote areas of the country and guarantee the issuance of birth certificates and other documents	Panama	
117.90	Take measures for deinstitutionalization of	Ukraine	According to the information from the LEPL Social Service Agency, as many as 99 beneficiaries were placed in small

<p>child-care institutions and development of alternative, family-type services for deprived children</p>	<p>family-type homes in 2017, while the service was rendered to the total of 314 beneficiaries. The results of the monitoring conducted by the Special Prevention Group at the Public Defender of Georgia and the Center of Child's Right of the Office of Public Defender show problems in the areas of protection of minors from violence, rehabilitation of child victims of violence, proper emotional and social development of child victims of violence, full realization of the right to education and preparation of minors for independent living.</p> <p>In general, small family-type homes provide a positive, comfortable, family-type environment which is conducive to emotional and social development of children. It should be noted, however, that this picture of the environment is not uniform and varies from home to home. Often persons engaged in child care fail to prevent bullying, overcome crisis, timely detect psychological and mental problems and manage a case in a multidisciplinary way; all this negatively affects the provision of adequate assistance to children.</p> <p>The level of academic knowledge of beneficiaries of small family-type homes does not correspond, in the majority of cases, to their biological age. Beneficiaries are not motivated to obtain knowledge. The monitoring conducted in the reporting period showed that, compared to previous years, a greater amount of attention is paid to the involvement of small family-type home beneficiaries in the inclusive education; however, the inclusive approach needs to be strengthened.</p> <p>Problems existing in small family-type homes notably impede the process of preparation of beneficiaries for independent living. When beneficiaries leave a small family-type home, especially after turning 18, they often come to face same problems that became a ground of their placement in alternative care. This largely results from the absence of support system - and when needed, a relevant service - for persons having withdrawn from the system after attaining the legal age.</p> <p>The engagement of minors in informal education, their vocational or other education largely depends on geographic location and available funding of a small family-type home as well as the existence of relevant institution in a region. When engaging children in additional activities it is important to take into consideration their interests and desires; this, however, is often not the case due to abovementioned reasons.</p> <p>The level of awareness of their rights as well as feedback and complaint procedures is very low among minors living in small family-type homes. Minors are not encouraged to engage in discussions of problematic issues that arise in the process of care. Employees of small family-type homes need to raise their level of awareness of child's rights, especially, the protection of children from violence.</p> <p>The Office of Public Defender monitored the rights of children placed in institutions subordinated to a religious denomination. The monitoring showed yet again that the institutions subordinated to religious denominations fail to</p>
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			provide their beneficiaries with services maximally approximated to a family environment. Moreover, these denominational organizations fail to run the institutions in accordance with the principles of the state policy on deinstitutionalization.
117.91	Protect minorities and ensure the full enjoyment of their freedom of religion or belief in accordance with international human rights law	Ghana	See 117.43
117.92	Promote intercultural and interreligious dialogue and cooperation, as a way of strengthening its non-discrimination programmes and supporting its awareness-raising campaigns against discrimination	Philippines	
117.93	Implement a national strategy to promote interreligious and intercultural dialogue and tolerance	Ghana	
117.94	Ensure the enjoyment of the right to freedom of religion by everyone, including persons belonging to religious minorities, by punishing those who harass or incite hate speech against religious minorities	Botswana	<p>A large share of complaints on alleged hate crimes submitted to the Public Defender accounts for Jehovah's Witnesses, which concern the facts of violence against them as well as the damage to their property. Unfortunately, law enforcement authorities often react to such facts as to separate incidents, failing to inquire into the history of violence and qualifying a repeated physical abuse or damage to the property and items as the persecution on religious ground.</p> <p>There are instances when after the termination of investigation, a fact of abuse is qualified as an administrative offence; however, even when a person is found guilty of wrongdoing, the existing legislation does not allow for specifying the motive of discrimination.</p>
117.95	Fully respect freedom of expression and media	Portugal	Currently, even though Georgia is distinguished in the region in terms of its media freedom, the developments of recent years in the above-mentioned areas have created a threat to maintaining the healthy environment. In the

	pluralism		<p>response of such developments, in May 2018, the Public Defender's Office submitted amicus brief to the European Court of Human Rights related to a case of TV Cahnnel Rustavi 2.</p> <p>In the context of freedom of expression, the Office had to react on some cases of individual violations, having essential effect on the realization of the right. In one of such cases Public Defender's Office filed an amicus brief with the Court of Appeal and called on the Court to take into view the standards established by the Constitutional Court of Georgia and the European Court of Human Rights when considering the restriction on freedom of expression.</p> <p>In general, the problems with freedom of expression were detected in relation to freedom of expression of musicians; freedom of assembly and expression of workers; hacker attecks on media outlets; seizure of media property; closure of some TV programs by the newly appointed management.</p>
117.96	Institute measures that guarantee a free and independent media environment	Ghana	See 117.95
117.97	Continue to prioritize safeguarding media freedom	Australia	See 117.95
117.98	Bolster respect for pluralism and open debate by fostering a non-violent environment tolerant of dissenting voices, including those of the opposition, and avoiding politically motivated actions against critical media outlets	United States of America	See 117.95
117.99	Refrain from interfering in the activities of human rights defenders and non-governmental organizations and ensure a safe and enabling environment for their	Estonia	

	work		
117.100	Develop a strategy to increase the participation of women in decision-making positions in all branches of the Government	Austria	<p>Equal participation of women in the decision making process is an essential prerequisite for attaining the gender equality. Unfortunately, women's participation in the political life remains a problem in Georgia, with the lack of state initiatives and reluctance of political parties to support the promotion of women further aggravating the problem.</p> <p>According to the Global Gender Gap Index 2017, Georgia ranks 114th among 144 countries by its score of women's political participation and women in parliament. According to the data of Inter-Parliamentary Union, Georgia ranks 124th among 193 countries with 24 women represented in the parliament as of 1 March 2017.</p> <p>Alike previous years, the indicator of women participation in the executive authority remains low: While women comprise the majority of employees of the ministries, their share at managerial positions is insignificant – 19%. Only one ministry has the advisor on gender issues; eight ministries do not have such a position at all; in six ministries, the function of gender advisor is performed by other officials as an additional one.</p> <p>Women's participation in the implementation of local self-governance remains a problem too. The gender analysis of the 2017 local elections showed the shortage of woman candidates both from single seat constituencies and on party lists. As a result, the share of women representation in municipal council stands at 13.46% and among 64 elected mayors only one is a woman.</p> <p>Steps taken by local self-government bodies to mainstream gender equality are insufficient and often of nominal nature. The majority of self-government units lack gender advisors while the regions where gender equality councils are set up and gender advisors appointed, need to strengthen the mentioned mechanism institutionally. The activity of municipalities to meet women's needs is mainly focused on programs envisaging one-off assistance and payment of the rent to single and multi-children mothers, and victims of domestic violence. However, these projects are implemented only in several municipalities and society is not aware of these projects.</p>
117.101	Continue working to boost the participation of women in political and executive positions under principles of equality without discrimination, particularly guaranteeing the participation of rural women	Colombia	See 117.100

117.102	Increase efforts and allocation of necessary resources to guarantee greater participation of women in political and leadership positions	Costa Rica	See 117.100
117.103	Undertake further measures for the integration of minorities and the promotion of their representation in Georgian political and public life	Albania	There is a low level of national minority participation in decision making both at the national and municipal levels. Moreover, there are no minority representatives in any of the regulatory commissions (Georgian National Energy and Water Supply Regulatory Commission) or the Board of Trustees of the Georgian Public Broadcaster.
117.104	Improve access to health services for socially vulnerable persons	Algeria	<p>As a result of changes to the state program on universal health care, the service packages have become differentiated by citizens' incomes since May 2017. The state replaced the principle of universality with a targeted approach and determined the amounts of services to be rendered under the program in accordance with individual incomes. The reasons cited behind this change were the optimization of costs and the creation of social justice.</p> <p>It must be noted that the universal healthcare program was extended to include a medication component which is aimed at financing medicines for citizens suffering from chronic diseases and registered in the database of socially disadvantaged people with the rating score of up to 100 000. This is a commendable step, but, in the interest of health of program beneficiaries and in view of their social and economic condition, the state must extend the list of financed diseases and medications.</p>
117.105	Improve women's access to high quality health care and health-related services	Rwanda	<p>2017 saw a headway in the area of improvement of mothers' healthcare, including the decrease in the mother mortality and artificial abortion rates. In particular, according to preliminary data of pregnancy centers and maternity homes, 24,308 abortions were made in Georgia in 2017, down from a corresponding indicator of 26,838 in 2016. Much like the previous years, the highest share of abortions accounted for women aged between 25 and 29 years (7,280). The indicator of abortion among youngsters under 15 years of age, decreased by 26% as compared to 2016.</p> <p>Proper regulation of surrogacy remains a challenge. The Georgian legislation does not properly regulate the issues of surrogacy; therefore, much of this practice is unregulated which encourages commercial surrogacy. Moreover, it is important to set a minimal age limit for a gestational carrier in order to ensure a corresponding level of development of a surrogate mother and capacity to understand, when taking this decision, a possible adverse impact of it on her health and pregnancy.</p>

			<p>In Public Defender’s view, there is a need of a comprehensive regulation of the rights of a surrogate mother, client parent(s) and children to avoid uncontrolled surrogacy and encouragement of commercial surrogacy.</p> <p>Unfortunately, due to lack of detailed information and data in the area of sexual and reproductive health, the state policy fails to adequately meet different needs of women. The Public Defender believes that data on sexual and reproductive health services, including on the accessibility of services for all vulnerable groups must be collected, categorized and analyzed in order to eliminate existing shortcomings and develop effective policy and programs in the future.</p>
117.106	Consider improving and promoting education at all levels of public education	Oman	<p>Protection of the right to education and furthering its implementation remained a problem in the reporting period. Infrastructural problems in general education institutions, shortcomings existing in terms of inclusive education and insufficient measures to prevent dropping out of schools have negative ramifications for the existing situation. The children living and working on the streets, children with disabilities, children married at an early age and engaged in labour are an especially vulnerable group.</p> <p>Furthermore, accessibility of education in the mother tongue on Georgia’s occupied territories is the main problem. Movement of school children along the Administrative Boundary Line (the ABL) to receive general education remains problematic. Similarly, the steps made towards teaching Georgian to representatives of ethnic minorities still fail to respond to the existing challenges.</p> <p>For protecting the right to education in 2017, the following component of the right to education is also noteworthy. It is linked with the right of accessibility of the active educational institutions and the state’s obligation to ensure free choice of education, provided a selected school meets the minimum educational standards determined by the state. In this regard, the Constitution of Georgia should be noted, under which the state’s support for educational institutions is guaranteed. In this regard, authorisation is a means that contributes to continuous improvement of the school as during the authorisation process educational standards are assessed.</p> <p>The situation concerning the rights of LGBT+ community is especially complicated in exercising the right to education; the right to education is restricted to minors with nonconforming gender identity. The cases studied by the Public Defender of Georgia in 2017 have shown the prevalence of homophobic and transphobic attitudes in public schools and universities, which results in creating a hostile environment and ostracizing such persons from the mentioned space.</p> <p>The Office of Public Defender of Georgia intensively studies the state of infrastructure of general educational institutions. As the study showed, a substantial part of public schools operate in dangerous conditions. Although such schools carry out a number of safety measures, they cannot be considered satisfactory; this problem must be tackled in</p>

			<p>a timely and systemic manner.</p> <p>The situation is especially grave in schools in mountainous regions and villages. According to the LEPL Educational and Scientific Infrastructure Development Agency, as of 2017, there were 211 schools operating across the country that badly needed rehabilitation.</p> <p>Much like in previous years, problems of arranging toilets in general educational schools, equipping science classrooms and sports halls and operating canteens remain unsolved. This problem is even more acute in public schools of mountainous regions and villages, where canteens are often inoperative and science classrooms and sports halls need rehabilitation and renewal.</p> <p>A noteworthy new development is that, the state delegates responsibilities in the field of general education to municipalities which must implement public school infrastructure projects, including, ensure potable water supply to public schools and compliance with sanitation and hygiene standards.</p>
117.107	Further improve the accessibility and quality of education, and increase the enrolment rate of vulnerable children, including girl children and children of ethnic minorities	China	See 117.106
117.108	Consider promoting access to education for girls from ethnic minorities and remove barriers that impede access to education by Roma children	Nigeria	
117.109	Continue to pursue policies that will expand opportunities for all children of school-going age to access high quality education, in particular those with special-	Singapore	<p>See 117.107.</p> <p>A proper realization of the right of PWDs to education is one of serious challenges on all levels of education. Imperfect legislation on inclusive education, inconsistent approach to the needs of PWDs and other factors hindering the integration of PWDs into the educational process, impede the exercise of the right to education by these persons and make it difficult to meet other lawful interests of PWDs.</p>

	<p>education needs</p>		<p>There are issues remaining on the legislative level that require revision and improvement. In regards with the access to education, the Law of Georgia on General Education places emphasis only on geographic and language barriers while disregarding a factor of disability in this context. A matter of concern is the failure to determine a status of special education teacher and a model of professional development of such teachers. Problems arise in practice due to the failure to amend the legislation in order to eliminate barriers to interagency exchange of information on children with disabilities, to develop a mechanism for monitoring children at risk of dropping out and a strategy for the prevention of dropping out.</p> <p>Despite some positive changes in the area of preschool education, it is still a problem to conduct a situation analysis on a preschool education level as well as to develop an individual schedule and teaching plan tailored to the needs of children when enrolling them at kindergartens.</p> <p>The statistical data on children with disabilities engaged in preschool and general education is still missing. The Ministry of Education and Science is not aware of the number and the needs of children with disabilities who are left beyond the formal education. The absence of this information makes it difficult to plan and implement relevant interventions.</p> <p>The cases studied by the Office of Public Defender show that needs of disabled children are not taken into consideration and disabled children are subject to discrimination. Moreover, factors hindering the integration of disabled children into formal education include: the absence of a mechanism for seeking and identifying out-of-school children with disabilities facing a risk of marginalization, the lack of strategy for managing difficult behavior, unadjusted physical environment and educational resources, the failure to sort out the issue of transportation, insufficient coordination among entities, inadequate response to incidents of violence, et cetera. A shortage of specialists (special education teachers, psychologists, coordinators) and a low level of their qualification adversely affect the quality of inclusive education. A tendency of using resource rooms for other purposes than intended was also observed in the reporting period. One should commend the Ministry of Education and Science for taking effective steps in response to the recommendation of the Public Defender concerning this issue.</p> <p>Despite a possibility to obtain vocational training in accessible environment (adjustment of vocational educational institutions), the quality of education and further employment remains a problem.</p> <p>The situation has remained largely unchanged on the level of higher education. PWDs still have no access to infrastructure of educational institution, educational materials and programs.</p>
117.110	<p>Take further steps for the implementation of the</p>	Myanmar	

	Convention on the Rights of Persons with Disabilities		
117.111	Advance the implementation of the Convention on the Rights of Persons with Disabilities by improving the inclusion of children and persons with disabilities in education and employment	Austria	<p>2017 did not see any notable improvement in the protection of the rights of persons with disabilities (PWDs). Challenges existing for years persisted in the reporting period too, including regarding the proper realization of the rights of PWDs to education, health, habilitation-rehabilitation, labor and employment, access, participation in political and social life.</p> <p>With four years having passed since the ratification of the UN convention, the state still lacks an effective mechanism of enforcement, hindering the coordination of issues related to the implementation of the convention. Drafting a government ordinance on the formation of a new mechanism with the involvement of an international expert should be commended as a positive step; however, neither PWDs, nor their organizations were informed of or consulted about this decision in due time, which is something that runs counter to the principles of the convention.</p> <p>The parliament of Georgia has not ratified the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities yet. This prevents interested persons from using an individual mechanism of application to relevant UN committees on violations of rights.</p> <p>It is worth noting that the draft law on the rights of PWDs was drawn up in the reporting period. The document sets forth main principles and mechanisms of equal, nondiscriminatory access for PWDs, including women, girls and children with disabilities, in various spheres. According to available information, the parliament intends to consider and initiate the draft law on its spring session in 2018.</p> <p>In 2017, the administration of the government of Georgia launched the process of drafting the Action Plan of the Government of Georgia on the Protection of Human Rights (2018-2020). The content of the government's draft action plan as well as its procedural aspect has attracted criticism from the civil society and particularly, PWD community. Moreover, the transfer onto a modern system of disability assessment (the so called social model) is planned by 2020, according to the draft action plan, which will further delay the process of implementation of the convention.</p>
117.112	Take further steps to ensure the protection of persons with disabilities	Greece	
117.113	Carry on making efforts to promote the rights of people with disabilities	Oman	

117.114	<p>Adopt the necessary measures to protect ethnic and religious minorities from all forms of violence and discrimination</p>	Costa Rica	<p>The state does not demonstrate the will to resolve the systemic problems linked with freedom of religion and right to equality of religious minorities. Accordingly, many recommendations made by the Public Defender regarding these issues are reiterated in the reports each year.</p> <p>The recommendations made to the Ministry of Internal Affairs of Georgia and the Chief Prosecutor's Office concerning investigations delayed for years are still unfulfilled. Namely, since 2012, numerous incidents of violation of Muslims' rights were identified in various geographic areas of Georgia. In two cases, the law enforcement authorities themselves allegedly used excessive force. Investigation has been pending to this date without any results. Not a single person has been prosecuted or charged with alleged crimes against Muslims in any of these cases. Besides, not a single Muslim person has been given the victim status. Also, no legal result has been secured in violations against Jehovah's Witnesses that took place in 2016.</p> <p>The issue of returning religious buildings that were nationalised during the Soviet period to respective religious associations remains unresolved. The Armenian Apostolic Church, Evangelical and Lutheran Church, Muslim and Jewish communities have been requesting the state for years to have the nationalised religious buildings returned to them. Many religious buildings remain in state ownership. Apart from the fact that it is a problem to return the property to their historical owners, the nationalised religious buildings (many of them are monuments of cultural heritage) are not given any attention from the state and are being destroyed.</p> <p>Religious minorities face obstacles in the process of constructing new religious buildings. This trend continued even after the recommendations made in 2016. The local self-government bodies responsible for issuing construction permits often refuse to grant such permits to non-dominant religious associations without giving any reasons, without following the principle of separation of state from religion and manifest their partial approach towards the dominant religious group.</p> <p>Those provisions in Georgian legislation that place non-dominant religious associations in unequal positions remain intact. The state still carries out unequal policies in terms of funding religious associations and restitution for damages inflicted in the Soviet period.</p> <p>The environment in public schools is discriminatory. The Law on General Education prohibits unequal treatment in schools, display of religious symbols without academic use, indoctrination and proselytising. However, the law is not upheld comprehensively. Despite the recommendation made by the Public Defender, no special monitoring group has been set up and no action plan has been developed that would facilitate eradication of discriminatory practices in public schools.</p>
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117.115	Improve the education of persons belonging to minority groups	Macedonia	107.106
117.116	Ensure teaching and preservation of minority languages, by providing adequate general education to students in their native language	Austria	<p>For the past few decades, textbooks for Armenian and Azerbaijani languages and literature have been imported from Armenia and Azerbaijan and therefore do not conform to learning standards of the Georgian education system. It should also be noted that while Armenia has only recently introduced a 12- grade system, Azerbaijan continues to offer 11-year schooling which means that there are no textbooks for grade 12 which in turn hampers education process.</p> <p>Public Defender welcomes a decision of the Ministry of Education and Science to uphold Public Defender's recommendation and open a bid for textbooks for Armenian and Azerbaijani languages and literature. At the same time, it is important that new textbooks be in line with teaching standards recognized by the Georgian education system and contains elements and language standards pertaining to respective language, culture and literature.</p> <p>In spite of numerous efforts there is still no policy document which would provide conceptual framework and in-depth analysis of the situation, challenges existing in the country's education system and way to address these challenges and contribute to inter-agency cooperation for greater quality of education for ethnic minorities. Importantly, in 2015 the Georgian Ministry of Education and Science started developing a policy document to cover the issues of professional staff at every grade of minority schools. Experts of the field, representatives of non-governmental and international organizations participated in the development of the document. Sadly, for unknown reasons, the document was never approved. In view of existing challenges, Public Defender believes that the work on the document needs to continue in order to develop a holistic approach and shared vision. Issues related to ineffectiveness of so called bilingual textbooks for non-Georgian language schools have been repeatedly highlighted in reports prepared by Public Defender and Public Defender's Council of Ethnic Minorities. 70% of contents of these textbooks which were introduced in 2010, is in minorities' native language (Armenian, Azerbaijani, Russian) while remaining 30% is provided in the state (Georgian) language.</p> <p>The use of bilingual textbooks in most schools with minority languages as the language of instructions is infeasible as teachers' command of Georgian language is not sufficient to explain lesson materials while students cannot comprehend materials for the same reason.</p> <p>According to the Georgian Ministry of Education and Science the work for developing new textbooks has already taken off. A concept for bilingual education to reflect on specifics of local contexts was developed within the reporting</p>

			<p>period. The concept envisages the introduction of a bilingual model tailored to capacities and subjects in I-VI grades.</p> <p>It should be noted that following a recommendation of Public Defender and Public Defender’s Council of Ethnic Minorities since 2015 the Georgian Ministry of Education and Science has been implementing a program for teaching native languages to representatives of small minority groups. The same year the Ministry identified those schools and grades which were included in the program with curricula offering classes of Ossetian, Khundz (Avarian), Udi, Assyrian and Kurdish languages. Chechen language was later added as an optional subject taught for two hours a week. It is worth mentioning that Ossetian had been taught in several schools until 2011.</p> <p>It should be noted that the quality of teaching has been seriously affected by the lack of qualified staff and textbooks. For instance, in one of schools in Tbilisi students are not able to take Kurdish (Kurmanji) classes because the school failed to find a teacher with required qualification. In addition, teachers have not been offered any retraining program to improve their competences.</p>
17.117	<p>Take the necessary steps to address concerns over the rights of vulnerable groups, including internally displaced persons, refugees and migrants, and carry forward measures to integrate them effectively into the broader social and political systems</p>	<p>Republic of Korea</p>	<p>Pursuant to the Law of Georgia on International Protection, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees in cooperation with other state agencies shall develop local integration programs for internationally protected persons and facilitate their participation in such programs. Local integration is a legal process, whereby refugees are granted a progressively wider range of rights and entitlements by the host State that are broadly commensurate with those enjoyed by its citizens. These include freedom of movement, access to education and the labor market, access to public relief and assistance, including health facilities, the possibility of acquiring and disposing of property, and the capacity to travel with valid travel and identity documents. Realization of family unity is another important aspect of local integration.</p> <p>According to the information provided to Public Defender’s Office involvement of refugees and humanitarian status holder remains quite low. For instance, from 2015 to 2017 101 refugee and humanitarian status holders took part in <i>Georgian Language Learning Program for Asylum Seekers, Refugees and Persons with Humanitarian Protection Status</i> while 415 refugees and humanitarian status holders benefited from health services. The number of persons registered at employment portal totaled 51.</p> <p>One of the most challenging barriers to the process of integration is language. Most of beneficiaries have no command of Georgian and therefore, their access to education, employment and health services, is restricted. Lack of information on available services is yet another challenge. Language courses are available to persons falling under certain categories. For instance, language learning course for asylum seekers is available only in a reception center and therefore, only those who reside in the center can access the service. There are courses available to persons with international protection; however, the number of participants of the courses is limited.</p>

			<p>Greater integration requires that refugees should be offered adequate housing by the state. After the status is granted, the asylum seeker has to leave the reception center and face harsh conditions. Refugees are the ones who find themselves in particularly dire situation because of difficulties to find adequate, safe and normal accommodation. Even though the law grants refugees and humanitarian status holders the right to free movement and choice of accommodation, in practice this norm fails to apply to all refugees and persons with humanitarian status. There are no state-funded organizations in Georgia to support asylum seekers and persons with international status in finding suitable accommodation. It is important that the state develop special program/project to contribute to creating suitable living conditions for refugees or persons with humanitarian status.</p>
117.118	<p>Continue to keep the principle of non-refoulement and limit the use and duration of detention for asylum seekers</p>	<p>Republic of Korea</p>	<p>The monitoring has revealed that patrol and border police have general information on procedures related to requesting asylum by aliens at the border. However, the level of understanding and information is not sufficient and persons in charge need to provide information on the new law on international protection and asylum procedures to prevent the violation of non-refoulement principle and make sure that asylum seekers are not charged with criminal offences.</p> <p>At the same time, a clause in the Law of Georgia on International Protection is deemed problematic. More specifically, Paragraph 4 of Article 7 of the law states an alien or a stateless person will be released from the criminal liability for illegal crossing of the state border if the person applies for international protection. However, according to Paragraph 4 of the aforementioned article, If it is determined by the relevant final decision on international protection that an alien or a stateless person is not in need of international protection, the release from criminal liability shall not apply. This norm contradicts the Geneva Convention Relating to the Status of Refugees.</p>
117.119	<p>Strengthen measures to protect displaced persons and include them in public social development policies</p>	<p>Chile</p>	<p>Approval of the strategy on ensuring accessibility of livelihood for IDPs and setting up the LEPL Livelihood Agency significantly improved awareness-raising on various issues among IDPs. However, the outcomes of annual monitoring conducted by the Public Defender's Office show that some IDPs, especially those residing in the regions, are not adequately informed about relevant news or current processes.</p> <p>In this regard, in annual reports the Public Defender recommends the ministry to ensure involvement of IDPs in decision-making processes.</p>
118.2	<p>Amend the Law on the Elimination of All Forms of Discrimination to include a mechanism of fines and other sanctions for use by the Public Defender's Office in the</p>	<p>Sweden</p>	

	event of discriminatory actions		
118.3	Amend the criminal code by incorporating the category of racist remarks to clearly define direct and indirect discrimination and recognize that racial, religious, national or ethnic grounds constitute an aggravating circumstance	Djibouti	
118.4-118.5	Prevent child marriage by having a minimum age restriction of marriage at 18 without any exception	Botswana Sierra Leone	See 117.17-117.64
118.6	Establish a mechanism that monitors the implementation of the 2014 anti-discrimination legislation and action-oriented strategies	Iceland	
118.7	Strengthen the mechanisms set up by the “Commission of Human Rights and Integration”, to ensure the best possible monitoring and evaluation of the human rights situation in the country	Morocco	
118.8	Amend the legislation to ensure an effective follow-up instrument for	Andorra	The Public Defender has requested to amend the Code of Imprisonment to ensure an effective follow-up instrument to respond to the alleged violations in the penitentiary. Namely the Public Defender has demanded to ensure that all persons in the penitentiary facilities have access to the Public Defender’s hotline without undue,

	<p>the public defenders and the members of the national preventive mechanism</p>		<p>arbitrary and unreasonable restrictions that started to appear in practice. Unfortunately the Parliament of Georgia and the Ministry of Corrections refused to guarantee this remedy stating miscellaneous and insufficient arguments.</p> <p>Moreover the Public Defender will in the near future issue another proposal to the Parliament of Georgia to establish a clear clause in the Organic Law on Public Defender of Georgia regarding the power of processing the documents containing special categories of data. Recently the Ministry of Corrections has declined to present the documents by misinterpreting the law on Personal Data Protection of Georgia. It is absolutely essential for the effective functioning of the Public Defender’s Office and the National Preventive Mechanism that they face no superficial barriers in studying the documents regarding the conviction of a person</p>
<p>118.9</p>	<p>Redouble its efforts to ensure the rights of LGBTI persons and, in line with the Human Rights Committee’s recommendations, combat all forms of social stigmatization of homosexuality, bisexuality and transsexuality, and hate speech, discrimination and violence based on sexual orientation or gender identity</p>	<p>Uruguay</p>	<p>Homophobic and transphobic attitudes existing in Georgia adversely affect the rights of LGBT+ persons and endangers the idea of equal rights. Mainstreaming LGBT+ issues in the gender equality agenda remains a problem and hinders the improvement of the existing situation.</p> <p>The activity of the Public Defender provides the ground to conclude that LGBT+ persons are subject to heightened violence both at home and in public spaces while the measures undertaken by the state to counter the problem are insufficient.</p> <p>The Office of Public Defender studied a number of complaints in which LGBT+ persons speak about alleged violence, homophobic, humiliating attitudes and inadequate response from police officers. Unfortunately, in a number of cases the complainants themselves refuse to continue proceedings and do not cooperate with General Inspection of the Interior Ministry and the Prosecutor’s Office because they doubt that the cases will be investigated in a timely and fair manner. Moreover, it is difficult to obtain evidence in a number of cases. To avoid the encouragement of homophobic attitudes and violence of police officers, it is important to apply measures envisaged in the law to each of those cases which contain sufficient evidence of the offence.</p> <p>According to the information provided by the Chief Prosecutor’s Office, in 2017, the motive of hate was studied in 86 criminal cases, including on the ground of sexual orientation in 12 cases and gender identity in 37 cases. The General Inspection of the Interior Ministry received 21 reports/complaints from LGBT+ community in 2017: no disciplinary misdemeanour was established in nine of these cases; eight cases were transferred to other entities of the Interior Ministry; only one case was transferred to the prosecution and investigation has been launched into it; internal inquiry is underway into two cases.</p> <p>The Office of Public Defender often receives complaints about violence against transgender women. Unfortunately, the law enforcement agency lacks an effective strategy of regulating hate-motivated violence, limits itself to</p>

			<p>responding to separate incidents alone and fails to deal with systemic nature of the problem.</p> <p>LGBT+ persons living in Georgia continue to face problems in the exercise of the rights to education, employment, labour, access to various services and safety. Unfortunately, policy documents designed to achieve gender equality often disregard the issue of LGBT+ rights while the community members cannot set the agenda for improving their rights because they are not involved in a decision-making process.</p>
118.11	Take steps to limit the application and length of pretrial detention	Denmark	
118.12	Increase the budget allocated to social workers responsible for assisting victims of domestic violence, by including the costs of travel to visits to assess victims and by increasing human Resources	Paraguay	<p>Despite numerous recommendations of the Public Defender, the small number of social workers remains to be a problem; the wide range of their activities also remains problematic as it negatively affects the effectiveness of their performance.</p>
118.13	Take concrete steps to streamline and ensure efficiency of judicial procedures concerning gender violence	Spain	
118.14	Progress in the implementation of the laws against domestic violence by establishing, in the short term, the centres to support women against sexual abuse, harassment and domestic violence provided for in the new law	Honduras	See 117.6
118.15- 118.16	Strengthen ongoing efforts against domestic violence by establishing	Turkey Sweden	

	adequate monitoring and investigative mechanisms		
118.17	Establish effective regulatory mechanisms for promoting development of legal migration and preventing irregular migration and trafficking in human beings	Ukraine	
118.19	Strengthen the independence of the judiciary and transparency of judicial proceedings and adopt measures preventing political interference in the work of judges	Czech Republic	
118.20	Eliminate existing gaps in the legislation governing the work of the High Council of Justice in order to make sure that its powers are balanced by adequate guarantees of transparency and accountability	Sweden	<p>The urgent need for the High Council of Justice (HCoJ) reform apart from the issues regarding transparency and accountability (see rec. 117.75, 117.77) also requires the High School of Justice (HSoJ) to be independent and to be shielded from outside influence.</p> <p>Out of the 6 members of the independent board of HSoJ, 5 are appointed by the HCoJ. The HCoJ also undertakes the process of appointing judges and disciplinary procedures. The Public Defender holds that it is necessary to decentralize the HSoJ and make it autonomous from the HCoJ.</p>
118.21	Continue strengthening the independence and impartiality of the judiciary to ensure the right to a fair trial, including by increasing the transparency of the working methods within	Switzerland	See 117.77

	the High Council of Justice, the appointment of prosecutors and the allocation of court cases		
118.22	Strengthen respect for the rule of law by promoting judicial independence and transparency through the depoliticization of the judiciary and law enforcement authorities, and by strengthening mechanisms to investigate human rights abuses or violations	United States of America	See 117.77
118.23	Take measures to support and strengthen prosecutions for human rights violations by the judiciary, with reference to the recommendations made by the Council of Europe Commissioner for Human Rights, including with respect to the strengthening of the independence and effectiveness of the Prosecutor's Office	Belgium	
118.24	Strengthen mechanisms to guarantee independence and impartiality of the judiciary and law enforcement institutions by implementing precise rules on judicial	Canada	<p>The Office of the Public Defender conducted research regarding the general inspectorates of the Office of the Chief Prosecutor, the Ministry of Internal Affairs, the Ministry of Corrections and the State Security Service follow up on citizens' complaints.</p> <p>The research indicates that there are insufficient mechanisms to guarantee impartiality and independence of law enforcement institutions. Citizens' applications are not examined in a comprehensive manner; the procedure is not transparent and often protracted. During some of the official inspections, easily accessible information</p>

	appointments and police oversight		relevant to the case is not gathered, all eye-witnesses are not interviewed, sometimes even an alleged victim is not interviewed, and video recordings are not seized. The reasoning of final decisions hence is inadequate
118.25	Further improve the justice system by fully implementing international fair trial standards such as ensuring adequate access of lawyers to their detained clients and that confidentiality of communication between them is protected, to ensure access to justice to all persons, including women and minorities	Lithuania	
118.26	Introduce as soon as possible the right to silence without restrictions when testifying, in accordance with its human rights international obligations	Switzerland	
118.27-118.28-118.29-118.30-118.31	Establish an independent investigation mechanism with the mandate to investigate alleged human rights violations committed by law enforcement officials	Norway Poland Spain United Kingdom of Great Britain and Northern Ireland Belgium	<p>The Public Defender of Georgia responded to the bill on State Inspector's Service drafted by the Ministry of Justice of Georgia. For years, the Public Defender has been recommending establishment of an independent investigative mechanism equipped with the functions of investigation and criminal persecution.</p> <p>As of today, the Georgian Public Defender considers that establishment of an independent agency (with investigative and indictment functions) will be the best way to solve the existing problem. Investigation of the cases of ill-treatment and deprivation of life, as well as criminal prosecution of offenders, is equally problematic.</p> <p>Despite the above, the Public Defender considers that the model presented by the draft law on State Inspector's Service may be effective in solving problems at the investigation stage if a number of key issues are corrected in the draft law. For this purpose, the Public Defender of Georgia submitted her opinions about the draft law to the Ministry</p>

		<p>of Justice of Georgia.</p> <p>According to the Public Defender of Georgia, for the effective functioning of the State Inspector's Service, the inspector should enjoy a high level of trust and legitimacy, which needs involvement of various actors at any stage of the election of the inspector. That is why the Public Defender offers the author of the draft law a more pluralistic rule of staffing a commission and determination of a higher quorum for the election of the inspector. In addition, to ensure high standards of independence and impartiality of the State Inspector, it is advisable to restrict the possibility of reelection of one and the same person to the inspector's position and to increase the term of office to 6 years.</p> <p>In order to ensure that the inspector has all the necessary tools for effective functioning, it is necessary to amend the Criminal Procedure Code so that the Chief Prosecutor is unilaterally restricted to ignore the investigative subordination over the cases subordinated to the State Inspector. In addition, the law should define the obligation of the State Inspector to request handover of a criminal case into the offences under its subordination from other investigative units for investigation on one hand and the obligation of the Prosecutor to hand over a case to the inspector immediately upon request on the other hand.</p> <p>The Public Defender considers that the fact that the Prosecutor's Office will retain the authority to lead proceedings will significantly weaken the independence of the Inspector's Service. If the purpose of the draft law is to establish an independent investigative mechanism, it is necessary the Inspector's Service to be allowed to conduct an investigation independently, without the mandatory instruction of the Prosecutor's Office. Independent conduct of an investigation involves the possibility of conducting a number of investigative actions without obtaining permission from the Prosecutor's Office.</p> <p>Finally, the proposed bill creates obvious cases of conflict of interest, but does not provide any mechanism for neutralizing them. In particular, on the one hand, the State Inspector's Service is equipped with investigative powers and on the other hand, it is responsible for controlling the lawfulness of personal data processing, as well as secret investigative actions and the activities carried out at the central bank of electronic communication identifiable data. It is necessary the draft law to provide mechanisms for preventing conflict of interests.</p>
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118.32	Develop and implement a strategy to monitor, investigate, and prosecute hate crimes, giving the Public Defender relevant powers and resources to take action against instigators of hate crime	United Kingdom of Great Britain and Northern Ireland Belgium	<p>Despite positive steps taken by the state, the effectiveness of investigations into alleged hate crimes remains a challenge. According to the Chief Prosecutor's Office, 2017 saw the increase in the number of cases where hate was established as a motive of crime. However, the activity of the Public Defender reveals that the motive of hate often remains unnoticed by investigative bodies and this undermines the prevention of hate crimes.</p> <p>The cases considered by the Public Defender include crimes allegedly committed on the ground of religion, ethnicity, sexual orientation and gender identity, in which investigators did not establish the motive of hate and the investigation was either continued or terminated; also, the cases which were not investigated because of absence of signs of crime. The Public Defender also studies facts of abuse on the ground of alleged discrimination committed by law enforcement officers against representatives of LGBT+ community and ethnic minorities.</p> <p>A large share of complaints on alleged hate crimes submitted to the Public Defender accounts for Jehovah's Witnesses, which concern the facts of violence against them as well as the damage to their property. Unfortunately, law enforcement authorities often react to such facts as to separate incidents, failing to inquire into the history of violence and qualifying a repeated physical abuse or damage to the property and items as the persecution on religious ground. There are instances when after the termination of investigation, a fact of abuse is qualified as an administrative offence; however, even when a person is found guilty of wrongdoing, the existing legislation does not allow for specifying the motive of discrimination.</p>
118.33	Ensure the issuance of birth certificates and citizenship documents to the Roma minority	Nigeria	
118.34-118.35	Strengthen efforts to promote freedom of religion or belief and to protect the rights of persons belonging to religious minorities, including by adopting measures both to address episodes of intolerance and hate speech against religious minorities and to solve outstanding issues related to the ownership	Italy Armenia	<p>There have been instances in the practice of Public Defender, where a Latin Catholic Church was deprived of issuing a permission of construction of a church on a land plot owned by the religious association; in another case, the muslim community has rented a building for the purposes to open a boarding school for muslim children; however, they are deprived of the possibility to adapt the building to watering system due to the objection of local community.</p>

	and maintenance of places of worship and properties belonging to religious minority groups		
118.36	Further develop measures to protect freedom of religion, expression and peaceful assembly and continue to build on the progress begun with the establishment of the State Agency for Religious Issues and the amendments to the Law on Broadcasting	Republic of Korea	
118.37	Ensure the right to freedom of expression, in particular through ensuring plurality and independence of the media as well as protection of media outlets critical to the Government from harassment and attacks	Czech Republic	See 117.18; 117.95
118.38	Adopt concrete measures to encourage stronger participation by women and ethnic minorities in political decision-making processes	Germany	<p>Unfortunately, women's participation in the political life remains a problem in Georgia, with the lack of state initiatives and reluctance of political parties to support the promotion of women further aggravating the problem.</p> <p>Women's participation in the implementation of local self-governance also remains a problem. As a result, the share of women representation in the Municipal Councils is 13.46% and among 64 elected Mayors only one is a woman.</p> <p>Unfortunately, in 2018, the parliament of Georgia has rejected a bill on mandatory gender quotas.</p> <p>There is a low level of national minority participation in decision making both at the national and municipal levels. Moreover, there are no minority representatives in any of the regulatory commissions (Georgian National Energy and Water Supply Regulatory Commission) or the Board of Trustees of the Georgian Public Broadcaster.</p>

118.39	Continue efforts to enhance social dialogue, as well as to ensure adequate protection and promotion of economic rights of the labour force, e.g. through the establishment of an efficient labour inspection mechanism with executive powers	Germany	<p>Establishment of the effective monitoring mechanism of safe and healthy working environment remains a challenge.</p> <p>Accidents occurred at industries in 2017 resulted in death of 47 and injuries of 106 individuals respectively. Statistics requested from the Ministry of Internal Affairs of Georgia indicate that only 11 out of 128 cases of occupational accidents, on which investigation was launched, were sent to the court. Investigation was suspended in 36 cases, whereas in 81 cases it has not been launched at all. Criminal Persecution has been instigated on 13 cases. Public Defender of Georgia underlined the importance of a timely and effective investigation of these cases by the law-enforcement authorities.</p> <p>The adoption of the Law of Georgia on Occupational Safety, introducing an enforcement mechanism of obligations related to safety at work, shall be assessed positively; however, problem remains in the extension of the law only on work that is <i>hard, harmful and dangerous</i>. At the same time, the supervisory body lacks the mandate of unconditional access to the employer.</p> <p>It should also be noted that it is necessary to set up an effective and efficient mechanism of inspection for overseeing not only safety of employees but also protection of their labor rights.</p>
118.40	Continue taking steps to ensure the full realization of the right to safe drinking water and sanitation for all, including through adequate investment in the relevant services infrastructure	Egypt	<p>The availability of safe and harmless potable water, and observance of standards of sanitation and hygiene in public school remains a grave problem, especially in mountainous regions and villages.</p> <p>In some cases, the central water supply system is out of order; internal water supply network is often faulty or inoperative in schools. Potable water is not available in 94 public schools of the Ministry of Education and Science, thereby creating problems in observing hygiene and sanitation.</p>
118.41	Allocate the resources necessary for the successful realization of the Strategy of the Health Protection System 2014-2020, which is aimed at strengthening maternal and child health	Belarus	
118.42-118.43	Take steps to ensure that sexual and reproductive health services, including abortion and	Denmark Brazil	A key problem is the low awareness on sexual and reproductive health and rights. Lack of information on SRHR is causing problems such as early marriage, undesired pregnancy, spread of HIV and other sexually transmitted diseases and makes it difficult to eradicate gender stereotypes deeply rooted in society.

	contraception services and information, are available, accessible and affordable to all women and girls, especially in rural areas and among vulnerable groups		The Government overall, is so far failing to provide an adequate supportive environment for effective familyplanning services, largely due to the lack of integration of family planning services into the primary health care system. Other challenges include the low level of public awareness, including inadequate knowledge of the use of the range of contraceptive methods and affordability, as contraceptives are not funded by the State's health programs.
118.44	Put in place and implement national standards and mechanisms to monitor the quality of education	Oman	
118.45	Ensure full-time school attendance at all levels to children belonging to disadvantaged and marginalized groups	Portugal	Proper realization of the right of PWDs to education remains a serious challenge at all levels of education.Statistical data on children with disabilities engaged in preschool and general education is still unavailable. The Ministry of Education and Science is not aware of the number and needs of children with disabilities whoare left out of the formal education system. The absence of this information makes it difficult to plan andimplement relevant interventions.Children living and working on the streets, children with disabilities, children married at an early age and engaged in labour are especially vulnerable groups
118.46	Encourage school attendance of girls and remove all obstacles to their access to education including the citizenship requirement beyond the ninth grade	Djibouti	
118.47	Adopt measures that are considered relevant to promote learning support for girl children from ethnic minorities in order to reduce the dropout rate	Colombia	
118.48	Promote the inclusion on all fronts of cultural and religious minorities and guarantee their access to	Mexico	

	development		
118.49	Ensure the availability of textbooks in their mother tongue for the national minorities	Armenia	For many years, school handbooks have been available in the languages of national minorities and in schools for national minorities. However, there are numerous challenges at the same time. School handbooks are translated from Georgian into minority languages, published and disseminated free of charge (except for the handbooks of Azerbaijani language and literature and Armenian language and literature; despite the Public Defender's recommendation and the readiness expressed by the ministry, these handbooks are still not free). However, the quality of these handbooks is problematic, including the ineffectiveness of the bilingual teaching model and some parts of handbooks as well as the quality of translation.
118.51	Adopt a comprehensive action plan to accelerate the repatriation process of Meskhetian Turks, including measures to facilitate their integration and taking into account the educational needs of their children	Turkey	
118.53	Ensure greater participation of internally displaced persons in decision-making related to projects affecting them, particularly those concerning access to adequate housing	Spain	<p>The Public Defender stresses annually the issue of facilities that are in particularly dire conditions. This problem remains to be serious. The monitoring shows that there are numerous facilities on the entire territory of Georgia where IDPs face most dire and dangerous living conditions. In the annual reports, the Public Defender points out the necessity to treat resettlement of those IDPs, who live in facilities where the conditions pose threat to life, as a priority.</p> <p>Raising awareness among IDPs is one of the most important issues. Numerous steps have been taken in this regard. However, more efforts are required to ensure that IDPs have comprehensive information about their rights and all current IDP related processes. This will empower them in making free and informed choices.</p>
118.54	Strengthen protection of the economic and social rights of internally displaced persons, including by protecting against unlawful evictions and resolving issues	Canada	<p>The process of mass arbitrary occupation of vacant facilities by IDPs and their subsequent eviction started in 2010-2012. The Public Defender of Georgia made numerous statements concerning the eviction processes of IDPs from various facilities in Tbilisi. The Public Defender called upon IDPs to refrain to maximum extent from arbitrary occupation of facilities in order to ensure that the process remained within legal framework.</p> <p>The Public Defender's Office was actively involved in the monitoring of evictions. Accordingly, the reports of 2010-2012 discuss in detail the aforementioned processes. The Public Defender's statements and reports emphasized the</p>

	<p>related to legal ownership of living spaces currently inhabited by internally displaced persons</p>	<p>problems related with incorrect planning and implementation of the process, especially concerning procedural violations during evictions of IDPs from various facilities.</p> <p>The present situation is radically different in this regard. There are no forced evictions. However, according to the present data, there are facilities that are still occupied arbitrarily by IDPs.</p> <p>In the annual reports, the Public Defender discusses and stresses the issue of IDP facilities that are in particularly dire conditions. Concerning the settlement of IDPs, the Public Defender makes annual recommendations to make it a priority to resettle those IDPs who live in facilities where the conditions pose threat to life.</p> <p>Monitoring showed that there are particularly problematic facilities from where IDPs were resettled in alternative residences. However, IDPs continue to reside arbitrarily in the aforementioned facilities (the issue was discussed in the report of 2016, in a subchapter on particularly problematic facilities). Therefore, it is recommended to have these facilities closed down; IDP resettlement in alternative residences should imply closing down the facilities in its administrative and physical meanings. An authority in charge of a facility should ensure its protection from arbitrary occupation by various persons since these facilities still pose threats to life and limb.</p>
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