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Administration of the Government of Georgia

Reinvigorating and Transforming the Role of the Human Rights Council (HRC) in Georgia into a National Mechanism for Reporting and Follow-up (NMRF) in line with Global Practice

Professor Dr Jeremy Sarkin

14 January 2019.

This publication has been produced with the assistance of the European Union and the United Nations Development Programme (UNDP). Its contents are the sole responsibility of the author and do not necessarily reflect the views of the European Union and the United Nations Development Programme (UNDP).

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1. Objective of the assignment

The assignment given to the consultant fits into the project "EU/UN Human Rights for All." It is a joint project of the United Nations Development Programme (UNDP), United Nations Children Fund (UNICEF), Office of High Commissioner on Human Rights (OHCHR) and the International Labour Organization (ILO). It is funded by the European Union.

The project seeks to strengthen human-rights protection in areas prioritized by the EU-Georgia agreements including the implementation and monitoring of the National Human Rights Strategy and Action Plan. An overall objective is the enhancement of the capacities of institutions and to improve mechanisms for better protection of human rights in Georgia.

Within this context the specific goal of this Mission was to examine the role of the Inter-Agency Human Rights Council and its Secretariat in policy making, implementation and monitoring of the National Human Rights Strategy and the Action Plans. The main problem has been that the HRC has not met for 3 years although the Secretariat is functioning.

The Consultant, Professor Dr Jeremy Sarkin, was asked to specifically evaluate the role and function of the Council and the Secretariat as the structures

responsible for implementing Georgia's current and future Human Rights Strategy and Action Plans.

This report evaluates the role being played by the HRC and HRS and makes recommendations about why the HRC ought to be reinvigorated, and why and how it ought to be transformed into a National Mechanisms for Reporting and Follow-up (NMRF) institution. It assesses the role the HRC could, and should be playing, to assist in the promotion and protection of human rights in the country.

The making of the HRC into a working institution that plays a critical role is necessary as this is an important time for Georgia. As this report indicates HRC types of institutions are becoming the norm around the world. This type of process is seen to be important in taking up human rights matters. There are many human rights issues that need to be tackled in Georgia. There are issues that come up in the country continually that need continual policy and coordination work. Such an institution does the human rights work in government as it has the capacity, knowledge, proficiency, institutional memory, system and capability to coordinate and deal with such matters. Its key roles are be centralizing mechanism to receive and provide information, to coordinate, liaise, and ensure policy formulation and implementation across government.

This report therefore recommends that the HRC be reinvigorated and be transformed into a National Mechanisms for Reporting and Follow-up (NMRF) that functions at a High Level but also functions at a Working level with various Thematic Working groups.

2. Mission to Georgia

Between 9th September 2018 and 14th September 2018 the Consultant visited Georgia to meet with a broad range of stakeholders crucial to the functioning and further development of the Council. This included meetings with the Human Rights Secretariat, representatives of civil society and international donors, OHCHR Georgia, UNDP Georgia, the Ombudsman's Office of Georgia, the Head of Government Planning Unit and National Coordinator of SDGs, the Assistant to the Prime Minister on Human Rights and Gender Equality, the Deputy Minister of Justice, Representative of the ministry of justice in charge of different councils, a

Representative of the ministry of justice in charge of the criminal justice council, the International Law Department of MFA, the Deputy Resident Representative of UNDP, the Head of the Administration of the Government of Georgia, the Deputy Minister of Foreign Affairs, the First Deputy Speaker of the Parliament and the Deputy Minister of Foreign Affairs, and Human Rights Ambassador.

3. Georgia's Human Rights Council

The Human Rights Council was established in 2014. The Cabinet of Ministers created the HRC as an inter-agency task force. Its creation was in response to an appraisal of the human rights situation in Georgia, by Thomas Hammarberg, in his role as EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia. The authority of the Council is defined in the Decree N551 of December 13, 2016 of the Government of Georgia.

The objectives of the Human Rights Council include elaboration and implementation of a unified state policy of the Government of Georgia in the field of human rights through the Human Rights Strategy and the coordination and monitoring of the implementation of human rights Action Plans. Thus, the HRC was really envisaged to be the body that deals with the Human Rights Strategy and Action Plans.

In April 2014 Georgia's Parliament approved the first National Human Rights Strategy (2014-2020). The Human Rights Strategy was designed to put into place an amalgamated policy to strengthen human rights protection through all parts of the country. It was designed to reinforce governance and the rule of law in Georgia. This pioneering document for human rights in the country was drafted to be "a systematic approach to the realization of human rights by all Georgian citizens and the timely rendering of the duties related to these rights by state authorities."¹ The Strategy was designed to allow "the consistent and effective application of appropriate measures, independent of external forces, such as changes in

¹ Georgia's Human Rights Strategy.

government administration and order.”² More than 20 human rights priority areas were identified in the Strategy for specific focus.

To achieve the objectives of the Strategy, the Government has adopted Human Rights National Action Plans (NAP). The first NAP was 2014-2015, the second was from 2016-2017, the third from 2018-2020. They have been supported by the EU-UN joint project “Human Rights for All.” These NAPs contain Government’s objectives, activities, responsible agencies, timeframes and indicators on human rights. The NAPs are aligned to the National Strategy so as to deliver on the Strategy and the identified priorities. To achieve these goals the Georgian Human Rights Council was established. It is an inter-agency coordination structure at ministerial level.

Thus, the Human Rights Council is tasked with coordinating and monitoring the implementation of the Strategy and the Action Plans only. It was not tasked with the wider function of coordinating human rights in general in the government. The way the present system works is for the various ministries and other bodies responsible for elements of the Action Plan to formulate annual reports on progress made in its implementation. Then the Human Rights Secretariat drafts a report for the attention of the Parliament.

According to the way the HRC was initially established the Council was to consist of some full, and some invited members: as below. The members of the Council need to be updated as some ministries have been combined with others. As per the original Decree the members of the HRC are (in brackets are the changes to Ministries since the HRC Decree):

Human Rights Council Members as set out in the Decree:

- Prime Minister of Georgia – Chair
- The Assistant to the Prime Minister on Human Rights and Gender Equality – Co-chair of the Council;
- Ministry of Justice;
- Prosecutor’s Office of Georgia;
- Ministry of Internal Affairs;

² Georgia’s Human Rights Strategy.

- Ministry of Education and Science;
- Ministry of Corrections; (Now moved to the Ministry of Justice)
- Office of the State Minister on European and Euro-Atlantic Integration; (Was abolished and functions moved to the Ministry of Foreign Affairs.)
- Ministry of Health, Labor and Social Affairs of Georgia – Minister or a person authorized by the Minister;
- Office of the State Minister for Reconciliation and Civic Equality;
- Ministry of Regional Development and Infrastructure;
- Ministry of Finance;
- Ministry of Sports and Youth Affairs; (Moved to the Ministry of Education and Science)
- Ministry of Environment and Natural Resources Protection; (Moved to the Ministry of Agriculture)
- Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees; (Moved to the Ministry of Health, Labor and Social Affairs)
- Ministry of Foreign Affairs;
- Ministry of Defense;
- Ministry of Economy and Sustainable Development;
- Ministry of Energy;
- Ministry of Culture and Monument Protection;
- Ministry of Agriculture;
- Human Rights Secretariat of the Administration of the Government of Georgia;
- LEPL State Agency for Religion Issues.

Organizations participating in the activities of the Council with advisory vote:

- LEPL Legal Aid Service;
- Supreme Court of Georgia;
- Constitutional Court of Georgia;
- Human Rights and Civic Integration Committee of the Parliament of Georgia;
- Legal Issues Committee of the Parliament of Georgia;
- Foreign Relations Committee of the Parliament of Georgia;

- Office of the Public Defender of Georgia;
- Office of the Personal Data Protection Inspector;
- Elections Administration of Georgia;
- United Nations in Georgia;
- Delegation of the European Union to Georgia;
- Council of Europe Office in Georgia;
- USAID in Georgia;
- Georgian Bar Association;
- NGO – Women’s Information Center
- NGO – Civil Development Agency;
- NGO – Georgian Young Lawyers’ Association;
- NGO – Article 42 of the Constitution;
- NGO – Transparency International Georgia;
- Open Society Georgia Foundations

The HRC faces a variety of challenges. The most important of which is that as a Council it is not meeting. Some of the specialised interagency bodies under its rubric do meet, but there is no coordination of those bodies. Thus, the HRC really only functions at the level of the Secretariat. The Council itself has not met for 4 years: it last met in 2015. This sends the wrong message both domestically and internationally. It raises questions about the state’s commitment to human rights. It causes a lack of focus on these issues. It means that no structure is taking overall responsibility for what is being done concerning human rights. There is no oversight for what is being done administratively. There is no guidance being given. As was noted in an earlier report:

*"It is imperative that the Interagency Council on Human Rights be convened as soon as possible to consider, among other things, lessons learned and recommendations for improving the drafting, monitoring, and reporting process."*³⁴

³ David Johnson Recommendations on a proper monitoring system and ongoing activities for the Georgian National Human Rights Action Plan September 2017 8.

⁴ David Johnson Recommendations on a proper monitoring system and ongoing activities for the Georgian National Human Rights Action Plan September 2017

There is a need to have a common and accepted understanding of what is done and how it is done. There needs to be policy guidance on a continual basis. The administration needs to be lead on state policy concerning the issues that need to be reported on. Issues concerning how to translate problems and recommendations into policy and law need to be taken across ministries and decided upon by those who have the authority to take such positions. While Georgia promotes its HRC internationally, it functions only really at the level of the Secretariat.

4. Human Rights Secretariat (HRS)

The HRC has a Human Rights Secretariat (HRS) that has five staff members. The HRS, it is noted in some documents, is located in the "Administration of the Government of Georgia." In some documents it is noted that the HRS is in the "Administration of Georgia, Prime Minister's Office." When UNICEF Georgia published a report on the Inter-institutional Commission on the implementation of the CRC and issues related to children it noted that it occurred "under the auspices of the Prime Minister's Human Rights Secretariat."⁵ In some places it when the HRC is discussed it is stated that it is the "Inter-Agency Human Rights Council **and its Secretariat**" (my emphasis) Thus, exactly where the HRS is located, to whom it is responsible, and to whom it formally reports, is has been unclear. According to its website the HRS:

ensures the coordination of executive branch in the process of elaboration and implementation of the state policies of the Government in the field of human rights. In addition to coordinating state agencies, the Secretariat also ensures the involvement of the civil society, academic circles and international organizations in the process of elaborating, implementing, and monitoring of documents that define human rights policy ... It administrates and provides organizational and analytical support to the activities of the Interagency Human Rights Council. The Secretariat has the following responsibilities: Drafts the agenda of Council sessions and submits it to the Chair for approval; ensures the publicity of the Council agenda and session protocols;

⁵ UNICEF Georgia Annual Report 2016.

Coordinates the activities of thematic groups created within the Council; Prepares reports on the implementation of action plans.

Thus, from its website it seems to also have functions outside the HRC. The first part of what is on the website states what it does is seemingly unconnected to the HRC, and second part of what it does is connected to the HRC. In her report, human rights expert Sabrina Buchler noted that at the time her report was written in 2017: “The exact role of the Secretariat is not defined in the currently existing regulations.”⁶

However, on December 5 2018 the Prime Minister issued a Decree on the Secretariat.⁷ The Decree determines the Secretariat is a structural unit of the Administration of the Government of Georgia and that its functions, structure and authority is approved of by the Prime Minister of Georgia. The HRS is given 7 functions of which 6 relate to supporting the work of the HRC, other interagency councils under the umbrella of the HRC and on the National Action Plan.⁸ All these issues are covered by the role of the HRC. The only function not directly and specifically covered by the HRC at present is the function which states that its role now is also to support the “Development of policy documents on human rights issues, support its enforcement and ensure active participation of civil society organizations in the process.” While not explicit this would fall within the work of the HRC. In any case, the issue of the development of human rights policy for the country ought to be an issue under the direction of the HRC as well to ensure adequate direction and coordination. Thus, broadly speaking the mandate of the HRS is to cover the work of the HRC. This should be made clear and the HRS brought fully under the HRC.

The 2018 Decree sets out various tasks for the Secretariat. Many of the tasks set out as well relate to the HRC and the various interagency councils. The other matters as well ought to be brought under the work of the HRC. A useful task set out in the new Decree is that the Secretariat now makes the “Determination of

⁶ Sabrina Buchler Promoting Rule of Law in Georgia (PROLoG) Expert on Government Human Rights Action Plan Development December 2015.

⁷ Order of the Prime Minister of Georgia On approval of Regulation of the Human Rights Secretariat (Service) of the Administration of the Government of Georgia 5 December 2018.

⁸ Decree Article 2(1).

frequency of meetings of Interagency Council and thematic working groups, preparation of meeting agenda and drafting the minutes of meetings.” However, there is no mention of meetings of the HRC. It needs to start meeting again and coordinating the human rights work under its mandate. This is a real problem for the HRC as it is not meeting at present. This is noted later when the issue of calling meetings is discussed and it is noted that the HRC, and more specifically a structure within the HRC should be responsible for calling meetings.

Thus, despite the new Decree the status of the HRS and its role within the HRC needs to be clarified. The positioning and role of the Secretariat needs clarity. It needs to be clear that its role is not separate from the HRC. However, within the new Decree it seems that the Secretariat is outside the HRC. However, it should be that the HRC is the body that does all the coordinating, implementing, reporting and other human rights functions at governmental level, as will be discussed in this report later. The HRS should service the HRC and all the functions given to it. The HRS should be part and parcel of the HRC and be fully within it and under its direction.

The new Decree notes that: *“The head of the Secretariat manages the Human Rights Secretariat, who is appointed and removed from a position by the Prime Minister of Georgia.”*⁹ This is problematic and the position should not be determined each time a new Prime Minister takes office. This person needs a long-term appointment both for the continuity of the work that the person does, but also for the person to have certainty about their position. The HRC ought to be responsible for appointing the person. The appointment should also not be a political appointee but rather an appointment made on the basis of skill and expertise.

The role of the Head at the moment is fundamental to the way the human rights coordinating process works at present. It would be highly problematic if the Head of the HRS left. The HRS would suffer severely. This is because there is an over-reliance on the knowledge and initiative of the personnel of the Secretariat by the other Ministries. In 2018 it was noted that

⁹ Decree Article 3(1).

*"Among challenges the secretariat has to face regularly is non-quality reports sent by ministries as well as non-observance of the deadlines. In line of general problem of overlapping in multiple issues in activity reports sent by the ministries, often, data and statistics differs from the figures submitted by another agency on the same activity."*¹⁰

Thus, training on human rights is necessary in the ministries, as well as a process of ensuring that the information received by the HRS/ HRC is more complete and more analytical, to meet the standards required in terms of depth and analysis.

It is also problematic that the 2018 Decree provides that *"The employees of the Human Rights Secretariat are public servants who are appointed and removed from a position by the Prime Minister of Georgia."*¹¹ Again, this is problematic. As is with the case of the Head of the Secretariat, hiring and firing should be determined by the HRC.

The 2018 Decree further states that the Head of the Human Rights Secretariat: *"Ensures the operation of Human Rights Secretariat in accordance with the assignments of the Prime Minister of Georgia and the Chief of Administration of the Government of Georgia and this regulation and is accountable to the Prime Minister of Georgia."*¹² Thus, the direction over the work of the Human Rights Secretariat comes not from the HRC but from the Prime Minister and the Chief of the Administration. This should rather come from the HRC. The HRC should be tasked with all human rights related matters and the Secretariat ought to be assisting the HRC in achieving those goals.

It is thus crucial that the HRC and HRS have their mandates and responsibilities clarified regardless of whether it is transformed into a national implementation, coordination and reporting structure, as will be recommended in this report. Thus, the Decree on the HRC ought to specifically stipulate the mandate, structure and work of the HRC, the HRS, the Working Groups, and elucidate its coordinating, implementing and reporting functions. All of those issues

¹⁰ EU-UNDP Joint Project "Human Rights for All" In partnership with the Human Rights Secretariat, Administration of the Government of Georgia Recommendations on a proper monitoring system and ongoing activities for the Georgian National Human Rights Action Plan September 2017.

¹¹ Decree Article 4.

¹² Decree Article 3(3).

ought to be covered in one Decree giving overall responsibility for all these and other human rights policy and coordination to the HRC. Either the Decree of December 2018 should be amended so that the Secretariat falls under the HRC or a new Decree on the HRC incorporating the Secretariat within its work and mandate ought to be adopted.

5. Other interagency commissions and processes in Georgia

In Georgia, interagency processes abound. There are in fact a plethora of such bodies with some ministries belonging to 100 of such bodies. Georgia has an abundance of councils and instruments to take up a variety of issues.

As far as documents are concerned there are it seems at least 61 strategy documents, 17 strategy and action plans and 32 separate Action Plans totaling 110 of such plans.

As far as committees are concerned, the abundance of processes can be seen in the fact that the ministry of justice supervises at least twelve interagency commissions. One of those is the Criminal Justice Reform Inter-Agency Coordination Council created in 2008. Another body that is directly human rights related, include, the Inter-agency Coordinating Council against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Other bodies are the Anti-Corruption InterAgency Coordination Council and the Interagency Council on Combating Trafficking in Persons.

The fact that there are so many of these bodies raises issues about how to ensure a cohesive and sufficient policy planning system and how to adequately ensure the link between policy planning and other issues, and that there is a proper coordinated and cohesive system in place to monitor and evaluate. It has been noted by that there is “Insufficient systematization of interagency cooperation and coordination mechanism has been observed as a key and most challenging deficiency of the system.”¹³

There are some commissions that fall directly under the HRC, such as the Interagency Commission on Gender Equality, Violence against Women and

¹³ Analysis of Policy Documents’ Management System in the Government of Georgia 2018.

Domestic Violence that was established in 2017. That Commission includes 22 representatives of the Ministries of Georgia; Offices of State Ministers; Prosecutor's Office; State Fund for Protection and Assistance of Victims of Human Trafficking, the National Statistics Office of Georgia. The Commission gives rights to participate and vote to the Public Defender's Office, Gender Equality Council of the Parliament, Supreme Court, Georgian Public Broadcasting. This commission falls under the HRC. There is also however a Permanent Inter-Agency Coordination Council for the Prevention of Domestic Violence which was established in 2008. Additionally, there is the Gender Equality Council in the Parliament that was established in 2009.

There is therefore overlap in the work of these various bodies and coordination is necessary. The HRC can play a role in coordinating the work of these various processes on human rights matters.

6. National Mechanisms for Reporting and Follow-up (NMRF) Around the World

To meet state requirements implementation, coordination and reporting on human rights matters countries around the world are implementing more capable and sustainable approaches to reporting, engaging and following-up on human rights matters and processes. In this regard, it is important to note that there is a growing interest and commitment by states around the world to establish standing national implementation, coordination and reporting structures.

The institutions that have been created to do so are collectively named National Mechanism for Reporting and Follow-up (NMRF).¹⁴ This is because they have seen to be necessary key machineries for a successful national human rights protection system in states. They are useful to overcome impediments to implementation of human rights matters, and to bring international and regional human rights standards and practices into a state. The core of a state's reporting and engagement method thus becomes coordinated and cohesive.

NMRFs do this by ensuring national ownership and by empowering government ministries. By having such a dedicated institution human rights expertise is developed and institutionalized permanently. This is done in a

¹⁴ OHCHR, A Study of State Engagement with International Human Rights Mechanisms, 2016.

sustainable manner and in ways that stimulates national dialogue on human rights matters.

NMRFs further facilitate communication in and across government agencies. They permit organized and formal contacts with a range of domestic actors including parliamentary committees, the courts, national human rights institutions, civil society, and donors. Through such entrenched processes more often victims and those that represent them will be heard and their issues taken up. NMRFs also enrich the coherence and influence of the way the state interacts with external actors including UPR, treaty bodies, regional actors etc.

For these reasons, many nations have made pledges to establish such processes especially as a result of UPR. These institutions are seen to be the new trend that is occurring around the world to ensure that there is effective human rights compliance in states. These types of bodies are found in at least 40 countries.

a) What is a NMRF?

A national implementation, coordination and reporting structure has been defined by the United Nations as a:

"national governmental mechanism or structure, ministerial, interministerial or institutionally separate, and preferably standing in nature established to support the implementation of human rights recommendations and the reporting on the progress achieved."¹⁵

b) What do NMRFs do?

Such institutions have a variety of functions, including to:

- 1) assess and monitor continually progress as far as human rights are concerned in a state
- 2) promote ongoing dialogue between government and other role players on human rights issues continually and thereby reduces tensions that may exist in the different sectors
- 3) coordinate matters between ministries concerning human rights challenges

¹⁵ OHCHR International Cooperation & National Human Rights Follow-Up Systems And Processes 2017.

- 4) monitor what human rights challenges exist, examine them closely, research and consider solutions and find ways to implement ways of overcoming them in a systematic and coordinated way
- 5) monitor, plan and ensure adequate implementation processes on human rights issues especially when it comes to recommendations made by external institutions,
- 6) track and plan ongoing engagement with external actors especially concerning treaty bodies, UPR and others, where there are an ongoing processes,
- 7) establish ongoing timelines, indicators and benchmarks for monitoring human rights implementation across ministries
- 8) identify solutions, problems and challenges, and adjust such processes as needed
- 9) identify, engage with, and get input and take up human rights matters continually, some of which are not always seen to be problems
- 10) are formal conduits for information, research and advice from others (including from government actors, as well as national including civil society as well as international actors) into governmental processes,
- 11) promote consultation and input from a range of other role-players who may not always have the opportunity to be have their voices heard or heard sufficiently,
- 12) promote better and wider planning and development of legislation and policies as far as the human rights components are concerned
- 13) set up specific processes or events to take up new, pressing or ongoing matters,
- 14) empower individual government ministries to better deal with human rights matters,
- 15) engage with processes that establish national human rights action plans, strategic plans as well as processes that implement treaties, laws and policies
- 16) achieve timely and more complete and thorough reporting
- 17) decrease backlogs that occur in State reports to regional and international bodies \
- 18) promote proficiency in human rights generally and on report writing to treaty bodies, regional human rights mechanisms, UPR, and to work with special procedures and others.

Most of these NMRF functions are not part of the work of the Georgian HRC at present. Some are done ad hoc by the Secretariat but without oversight or

without coordination with other parts of the Government. In fact, the HRC Decree sets out only three Council objectives:

"a) Develop and implement a uniform State policy of the Government in the area of human rights protection;

b) Develop, discuss and submit to the Government an action plan for the protection of human rights.

c) Coordinate and monitor the implementation of the action plan through relevant thematic working groups."

These three objectives need to be expanded to ensure that all aspects of the objectives of a NMRF are included in the scope of work of the HRC. Thus, the Decree needs to be revised.

c) Key features of such institutions:¹⁶

1. Generally standing or permanent arrangements, involving all relevant ministries.
2. Are usually chaired by a senior official in the government.
3. They are responsible for the implementation of domestic and international human rights imperatives
4. They often include judiciary and parliament in their work.
5. They ensure consultation with NHRIs and domestic civil society.
6. They consult with international actors including the UN, donors, MDAs, etc.
7. They coordinate the elaboration of national implementing or national human rights action plans as well as regional and international human rights recommendations made to the state. They do so with indicators, and timeframes.
8. They coordinate the implementation of these matters by coordinating an inclusive national process.
9. they function as a focal point for receiving information on implementation, and for reporting domestically and internationally.

d) The Four principal forms of NMRF mechanisms

¹⁶ Marc Limon Institutional strengthening and organizational development of the Human Rights Council of Georgia. November 2015.

1) **Ad hoc** for a specific report or process found in Bahamas, Lithuania, Republic of Korea, South Africa and Switzerland.

2) **Ministerial** – established in a specific government department, as in Cambodia, Denmark, Mexico, Spain, and the United States of America.

3) **Inter-ministerial** which is established across government departments, such as in Austria, Cameroon, Chile, Costa Rica, Democratic Republic of the Congo, Finland, Greece, Honduras, Latvia, Mauritius, Moldova, Portugal, Senegal, and Venezuela. It is often served by a secretariat in one ministry, as occurs in Georgia. Such an inter-ministerial mechanism frequently convenes its network of members as well as the focal points in ministries. They are seen to be less dependent on political will but can be if they are dependent on one agency to call meetings.

4) **Institutionally separate**, that is responsible for all coordination, report drafting as well as processes of information gathering and consultation as in Serbia and Morocco.

In Morocco the Interministerial Delegation for Human Rights was created in 2011. An interministerial delegate who is selected by the King and accountable to the Head of Government leads it. The Delegation is responsible for coordinating national human rights policies and for communication with international human rights mechanisms. It suggests methods to implement of international human rights treaties that have been ratified and prepares national reports and follows up on implementing recommendations received. Thus, the Moroccan Delegation has a much wider set of functions that the Georgian HRC has in terms of its Decree. However, the Georgian HRC today, through its Secretariat, does more of the items that are actually what a NMRF does.

e) Classifying Georgia's NMRF process

Georgia's HRC can be classified as an NMRF Inter-ministerial model. However, its **membership** is not only inter-ministerial, but actually much wider. It has

representatives of civil society, the NHRI, international organizations and others. Thus, it has membership from other institutions outside Government.

At present, the HRS is quite separate, and does what institutionally separate institutions do in that it seems to take a large amount of responsibility for coordination, report drafting, information gathering and consultation, although formally the processes still occur in the relevant ministries such as foreign affairs, when it comes to regional and international reporting.

Regardless, various benefits have accrued to the states where such institutions have been established and where they work well. Portugal for example no longer has a bottleneck of state reports and has reduced the time it takes to file its reports. The Republic of Korea also has reduced the time taken to submit its reports.

A useful model to look at from a comparative point of view is the National Human Rights Committee in Portugal. It was formed in 2010. It is tasked with intergovernmental coordination of human rights policies. The Committee is aimed at dealing with Portugal's international obligations under human rights processes including treaty bodies, special procedures, universal periodic review and the Council of Europe. The Ministry of Foreign Affairs (MFA) chairs the Committee. The Human Rights Division in the MFA acts as the Committee's permanent secretariat. All ministers are represented on the Committee. A network of human rights focal points in the ministries supports the Committee. The Committee meets at least three times a year at plenary level and as needed at working group level. Civil society has to be invited to at least one of the three plenary meetings each year. The main method of communicating is e-mail.

7. The Need for the HRC in Georgia

There are numerous reasons why the Human Rights Council in Georgia ought to be retained and reinvigorated. The HRC should not be abandoned. It needs to rather be transformed into a stronger and more efficient institution playing a much more holistic role. It needs to function at different levels so it has both a high level role but also a working level set of functions.

Firstly, having such a body indicates, at least to some extent, a commitment to the promotion and protection of human rights.

The HRC was created as a high-level synchronization machinery to oversee the accomplishment of the strategy and NAP. It was a meaningful forward-looking advancement to create a process to deal with these matters. The fact the Government of Georgia set up this process marked durable political backing to the promotion and protection of human rights in the country. As has been noted “the presence and character of these processes/structures is extremely positive, and already positions Georgia as a best practice case study in the field of international human rights. The inclusive nature of the process, high-level political ‘buy-in’ and leadership, and the transparent monitoring of progress, mean that Georgia already possesses a strong institutional basis for securing improvements in the enjoyment of human rights in the country.”¹⁷

Crucially, allowing the institution to continue not to meet and not to play the role it was envisaged to play sends a problematic signal. Certainly, disbanding the Georgian institution would send the completely wrong message. It would reflect, incorrectly, that there is no commitment to human rights issues.

As noted above, there are already many interagency processes to coordinate and implement law and policy on a range of matters. However, those are usually general processes that do not specifically focus on, or generally always take up, human rights matters. All such processes impact human rights issues, be it about legislation or policy, but these other processes do not have human rights as their central concern. This is not to argue that these bodies are not doing excellent work: many of them are. They meet regularly and produce excellent results. However, their core or central focus is not on human rights directly. So a body (like the HRC) that specifically focuses on those matters and approaches issues from a human rights perspective is of critical value. Such an institution needs to support and coordinate with these interagency councils. Thus, the work of the interagency councils can be supported and aided by the work of the HRC. The second aspect relates to the international constituency work relating to human rights matters.

¹⁷ Marc Limon Institutional strengthening and organizational development of the Human Rights Council of Georgia. November 2015 p.3

Georgia needs to report to international and regional mechanisms. Thus, the human rights matters in the country need to be reported on to a whole range of processes in the UN and elsewhere. While this is being done by Foreign Affairs and the Secretariat of the HRC, greater coordination would add to the process and outcomes.

If the Human Rights Council would give good input into such processes, it can enhance the outcomes. Already good cooperation and dialogue between the various structures exists but ensuring a functioning HRC which meets regularly and ensures sufficient human rights coordination will aid the focus on HR and hopefully aid the further promotion and protection of human rights in the country. Ensuring that all role-players play their part will be important including the public defender and civil society.

The need for a HRC in Georgia can be seen in various developments over the last few years. These include the fact that countries such as Georgia have at least two constituencies when it comes to dealing with human rights matters: the domestic and the international arenas. From a domestic point of view protecting, respecting, fulfilling and promoting rights in Georgia are crucial. But the country has international obligations as well as it has obligatory functions that come from its membership of various institutions such as the United Nations but also obligations that come from its membership of various treaties. These international obligations produce reporting and implementation obligations that Georgia has to regularly comply with. These processes need to be coordinated and implemented. This is why NMRF institutions are so usual now in countries around the world.

While the HRS has been playing some of the roles of the HRC in the absence of its meeting, leaving these matters to the Secretariat limits the coordination, reporting and implementation of human rights. The Secretariat plays a very important role, but cannot take formal decisions and cannot do what the HRC as an inter-ministerial body was envisaged to do. It does not have the prestige, powers or ability to make policy or ensure that human rights matters are carried out in the ministries. It cannot give formal direction to the ministries. It cannot ensure that directions are followed or that failures are avoided. It cannot hold others accountable for their inaction or not meeting the requisite goals. Thus a NMRF

institution is crucial in Georgia to play all the requisite roles and functions. The monitoring, reporting and follow up on human rights matters needs to be done carefully and thoughtfully by an interagency process with clear responsibilities at a High Level.

8. Why Georgia's HRC Should be Transformed and Institutionalized into a National Mechanism for Reporting and Follow-up (NMRF)

Domestic standing governmental human rights processes have become more and more usual across the globe. This is because it now seen that a coordinated response by government to human rights between the various ministries can only be beneficial in ensuring a comprehensive and adequate approach to taking up human rights matters in the development of law and policy across the government. This type of approach has a variety of benefits including taking up all law and policy matters in all Ministries within a human rights perspective. It means that all issues being worked on, no matter by which Ministry or the issue get a human rights input. It means that issues of reporting to international bodies and recommendations that come from international institutions are centrally evaluated and a determination is made on how, whom, and when such implementation occurs. It means that all Ministries, and other governmental bodies, including interagency councils, get input on these matters. These other bodies are also able to give input though a coordinating mechanism. There is obviously some danger of overlap and duplication but that can be overcome by good communication and sharing of information. Already there is good cooperation in the various interagency councils that produces good results.

A HRC or an NMRF mechanism is crucial to coordinate and implement all human rights matters and not to have an ad hoc uncoordinated process. This is not to say that there are not other role players – there are including Parliament, the NHRI and others. It is crucial that there is a process to coordinate and to ensure that government is doing what is necessary.

A national mechanism for doing reporting, and to ensure follow-up, usefully organizes and streamlines how such reports to the various external human rights bodies are prepared, and that what they contain has the approval of all role players.

Often insufficient consultation is something leveled at states when they deliver their reports before reports are delivered in such mechanisms such as UPR or others. This type of engagement assists in this regard. It thus ensures greater domestic focuses on the processes. However, it is not only about delivering reports to the regional and international processes but also to take the recommendations and outcomes that are made by the regional and international processes and ensure that they are taken up, discussed, and see when and how they can be implemented. These have become more difficult and more onerous as the number of number of such recommendations made to States has rapidly increased over the recent past. To ensure that these recommendations are tracked and responded to adequately a more methodical and organized process has been sent to be crucial.

Having a dedicated working NMRF reflects a state's commitment not to simply rhetorically support human rights, but a practical commitment to actually implement them across government institutions. Having a mechanism dedicated to monitoring and implementing human rights matters does this. It reflects a desire to take human rights seriously and have an institution that focuses on these issues. Such a permanent institution is assisted in its work by having a wide-ranging official mandate, plan of action to apply, as well as a good understanding of the way government and the other institutions of state work. It is easily able to communicate with other organs of the state as well as respond to issues as they arise. The institution also benefits from being a critical part of the state, and being owned and managed at the highest levels. This gives it standing to do its work and achieve the best outcomes. The fact that an institution is a continuous one, allows it to build, and retain a committed, skill and permanent staff who, over time, become more skilled, acquire more knowledge of the processes, and become more integrated into the state apparatus, but also of the systems outside government and even in the regional and international human rights systems. While the HRC could be given these tasks it has not be done so as yet. It would however make sense if these tasks were to be given to the HRC for it then to become a fully-fledged NMRF institution.

This is an important time for Georgia in that is seeks EU membership and this type of process is seen to be important in taking up human rights matters. It is

important as well as there are many human rights issues that need to be tackled in the country. There are issues that come up continually that need attention. Such an institution can do so as it has the expertise, skill, institutional memory, network and ability to respond to these matters speedily.

Georgia's commitment to such a mechanism is seen in various ways such as its joining the "Group of Friends on national mechanisms for reporting and follow up" within the UNHRC in 2017.¹⁸ Georgia also stated at the UN that it was their intention to host the first regional consultation to share experiences and best practice for NMRFs.¹⁹ Such an institution has been recommended by the Committee on the Rights of the Child which in its concluding comments in 2017 on Georgia noted:

*"The Committee notes the efforts made for the establishment of a coordination council for the implementation of the national action plan. It recommends that the State party allocate to a single body at a high interministerial level, with a clear mandate and sufficient authority, the principal responsibility for the coordination and evaluation of the implementation at cross-sectoral, national, regional and local levels of all aspects of the Convention, related strategies and child action plans. The State party should also ensure that the coordinating body is provided with the necessary human, technical and financial resources for its effective operation."*²⁰

9. Embarking on Transformation of the HRC to a NMRF

The role of the HRC should be, as it is at present, about the implementation of the National Strategy and Action Plans. However it should also crucially be taking up the role of coordination, implementation and reporting on human rights. It does this in part at the moment in part but in an ad hoc and uncoordinated way. To do all the necessary functions, which in actual fact should be part of the process of the National Strategy and Action Plans, the HRC needs to be repositioned and

¹⁸ Universal Rights Group Report on the 34th Session of the Human Rights Council MARCH 27, 2017.

¹⁹ <https://www.universal-rights.org/urg-human-rights-council-reports/report-34th-session-human-rights-council/>

²⁰ Committee on the Rights of the Child Concluding observations on the fourth periodic report of Georgia March 2017 8.

redesigned in to a NMRF. In any case, the HRC needs to meet. It then must be rearranged into a NMRF. It is useful that the HRC is already, for all intent and purposes, a NMRF in that it is designed to do what a NMRF does but those functions need to be clearly laid out and the process to do so must be delineated and legislated.

Georgia's model already follows the most favored NMRF design: the Inter-ministerial model. While there is no imperative to have a NMRF mechanism, the fact that Georgia has one is extremely positive. It puts the country at the forefront of such processes. This is partly because there is a trend towards establishing such processes. This is because such processes are needed even if it is ad hoc, or done differently each time reporting needs to occur. However, to establish a new process each time does not make sense. It is time consuming and costly. The lessons from previous processes are then lost and past experience is not built on.

a) What type of Body – high level, working level or both?

It has been noted that Georgia's:

*"Human Rights Council is best seen as an umbrella body that brings together all relevant domestic actors involved in the promotion of human rights in Georgia, and provides a platform for the identification of national human rights priorities (i.e. the Human Rights Action Plan), for coordinating the implementation of those priority actions (at a broad political level), for monitoring that implementation, and for reporting thereon (e.g. to parliament, to the UN)."*²¹

However, at present, the HRC's dedicated function in the law relates to the identification of national human rights priorities, in other words, the Human Rights Strategy and the Human Rights Action Plan. Thus, the HRC was created to be a body that was to focus on the country's Human Rights Strategy and the Human Rights Action Plans. A much wider role is needed.

Crucially a decision is needed about what type body the HRC ought to be. Clarity is needed about whether it is a high-level ministers meeting, a working body or both. Thus, a critical question relates to what type of body it is and its functions. It

²¹ Marc Limon report 2015 205.

does make sense for the HRC to be both a High Level Meeting institution, as well as a mechanism that has an Executive structure, as well as Working Groups.

The HRC can be a high level meeting a few times a year. However, the Decree should specify how often the HRC is to meet. The Prime Minister and the Assistant to the Prime Minister on Human Rights and Gender Equality should, as occurs presently, jointly chair the High Level meeting. The Head of the Secretariat should however play the role of facilitator at the meetings to allow the meetings to run smoothly.

The HRC executive committee should be given the formal responsibility for calling meetings and setting up the agenda after consulting the various stakeholders.

The High Level meetings should be not longer than three-hour meetings, as at present, to discuss overall progress and to accept, comment and give guidance to the various Ministries on the various reports tabled at the HRC. It should not be a forum for other discussions, and for other issues to be raised. High Level meetings held for a few hours every 3 or 6 months are not where substantive discussions can or should be held. This is particularly so where the attendees come from a range of sectors in and out of government. Civil society, international role players in Georgia, and others, do want more opportunities to discuss human rights matters with government.

The Thematic Working Groups (TWG), as the main working fora of the HRC, are the arenas to have some of those discussions. It does depend on how the TWG are established and who is invited to those meetings. Already other councils in Georgia invite non-governmental personnel to their meetings. However, having processes, though the HRC, to hold discussions, seminars, conferences, lectures and debates should also regularly occur. Therefore, routine events, where issues can be delved into, ought to be held to discuss human rights matters.

Thus, the High Level Meeting role should be differentiated from the HRC's working role. The working functions of the HRC should be divided into thematic areas that then work in relatively small groups to achieve the coordinating, implementing and reporting (CIR) roles on specific areas of work.

Thus, the HRC should have layers at which it functions. 1) A high level meeting level that is really the public side of its work and 2) the internal work that is done at the level of a) the executive of the HRC and b) working group level with standing Thematic Working Groups. Both levels ought to be coordinated by the Executive of the HRC and supported by the HRS.

b) Operationalizing the HRC as a NMRF.

If the HRC is to become fully and properly operational and it is to become a fully-fledged CIR institution, it needs more resources. If the HRS is to do all the things expected of it to support the HRC, and do all expected of it properly, it cannot have only five staff members. If it is to ensure CIR then it needs to be able to do these matters. Providing more IT support would assist in this regard as already much of the work of the Interagency councils and ministries is done electronically.

Both the HRC and the Secretariat need clear organizational framework and guidelines to function. As Thomas Hammarberg noted in 2014 the *"Human Rights Council needs to develop an effective structure, organize itself into working groups, develop rules of action in order to be able to ensure effective implementation of the action plan."*²²

At present, the Secretariat operates effectively because of the way the Head conducts the operations. However, this is reliant on the initiative and conduct of one person. Thus, a mandate, structure and working methodology is needed for both the HRC and HRS. The working relationship needs to be clearly laid out, including who does what, reporting processes, coordinating work roles, implementing roles, who takes up what etc. Thus, the way the process works with the other Councils, who is responsible for what, lines of accountability, etc. all ought to be codified. Thus clear mandates, working methods, procedures, and responsibilities, would bring clarity on the role and functions of both the HRS and HRC. It would then not be dependent on what is decided on an ad hoc basis for each and every process. It would ensure that everyone knows who does what, who is responsible for what and

²² Recommendations to the Government of Georgia By Special Advisor to Georgia on Human Rights, Constitutional and Legal Reforms – Thomas Hammarberg (Follow up on the final mission – 4-9 June, 2014).

what needs to be done by whom. It would also ensure that for every human rights issue there would be coordination, implementation and reporting especially when a report or recommendations need to be drafted or responded to.

At present, the Secretariat is performing the role of the HRC. To a large extent that is being done because of the role of the Head of the Secretariat plays. Clarity is therefore needed on the formal role the Secretariat plays. There is also a need to clarify the relationship of the Secretariat to the Council.

While it is clear that the HRC is inter-ministerial, there is also a need to clarify whether the Secretariat is an inter-ministerial agency or an agency in the Office of the Prime Minister. It may be better in line with the common practice for the whole institution, HRC and HRS, to be inter-ministerial and based in a few ministries, including the Ministry of Foreign Affairs (MFA), the Ministry of Justice (MOJ) and the Prime Minister's (PM) Office. This is because already the PM's office is where the HRS is. The MOJ usually is the line ministry on matters related to human rights and the state reporting process on human rights is usually within the MFA. Georgia's HRC Secretariat plays a key role with the MFA on such matters. An alternative may be to have the HRC Secretariat positioned as a separate institution, not in any specific ministry. It could report specifically, and only to the HRC, and become an autonomous body as in Morocco. From a comparative point of view, however an Interministerial body are most favoured.

An executive committee responsible for running the HRC should be established with responsibilities for the day-to-day management of the HRC. At the moment these management functions are being performed by the Secretariat. The executive committee could be four persons tasked with the management of the HRC, including the Head of the Secretariat, two persons designated yearly: one from the Ministry of Justice and one from the Ministry of Foreign Affairs and the Assistant to the Prime Minister on Human Rights and Gender Equality. Giving these officials the Executive role make sense because of the roles that the sectors they represent play on human rights matters. It is also where much of the main responsibilities lie as far as accepting recommendations and drafting reports for international and regional bodies. The Executive committee should be responsible for managing the processes, as well as calling HRC meetings, those of the TWGs as

well as ensuring that all the functions of the HRC are achieved including coordinating, implementing and reporting on human rights matters.

c) The future functioning of the HRC

The role of the HRC should be about the implementation of the National Strategy and Action Plans **BUT ALSO** about taking up the role of coordination, implementation and reporting. It should thus be a fully-fledged NMRF.

On the issues of policy and implementation, there are already, as noted earlier in this report, many interagency councils and other machineries that perform these roles. In fact, there are countless such bodies. There is no need to duplicate. The line ministries that work in the various interagency councils are responsible for the general work concerning government policy and implementation. However, there is a need to ensure the Ministries and Councils take up a human rights approach to the various matters they deal with. Thus, the key issue is to coordinate what is happening in all the Councils and provide feedback and direction where necessary on human rights matters to these other agencies.

Thus, having processes that ensure full coordination between the HRC and existing inter-ministerial councils and other processes is essential. If the HRC examines the reports and results coming out of the various Councils, engages with them and informs their work the process will be enhanced. The role of the HRC and HRS therefore should be to coordinate between the various agency councils (and ministries where necessary), between the state and domestic and international actors on human rights matters to ensure coordination, implementation and reporting. Because there are so many bodies it will be difficult but it is a matter of setting in place good systems of communication in all its different forms to achieve coherence. The fact that there will be an institution specifically focused on human rights should mean that all processes become imbedded with human rights values.

Thus, the HRC does not have to be the main implementation body of human rights issues in Georgia, *in practice*. That is the role of the various ministries and various interagency councils that exist already. But the HRC should ensure the implementation by others by reviewing the reports of the other agencies and ensure that these bodies are taking up these issues in the way that is expected from a

human rights perspective and in ways that ensure compliance with Georgia's international obligations and the recommendations it has received from international (and sometimes domestic) role players.

The major role of the HRC should be to bring human rights issues to the other Councils (and other institutions) and ensure that those bodies implement those human rights matters. The HRC should, in this way, be the implementation, coordination and reporting governmental structure that today is becoming usual in states around the world. However, it is not a national human rights institution (NHRI) that has a protection mandate. It is not a human rights commission or similar institution. In Georgia, this is the role played by the Public Defender. These roles ought not to be confused.

d) Formalising the relationship of the HRC with the other Councils.

If the various interagency councils are to continue playing the key role they play in all matters including human rights implementation, coordination and reporting, the relationship between them and HRC needs to be formalised.

This is not a problem for some as they already fall under the HRC such as the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence. It was established in 2017. In 2018 the Government approved the National Action Plan on the Implementation of the UN Security Council resolutions on Women, Peace and Security, the National Action Plan on the Measures to be Implemented for Combating Violence against Women and Domestic Violence and Protection of Victims/Survivors and the chapter of the Human Rights Action Plan on Gender Equality and Women's Empowerment. All three documents are for the period of 2018-2020. The Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence is the agency responsible for coordinating the implementation of the plans in close cooperation with relevant line Ministries and State Agencies. It is also responsible for coordinating/monitoring relevant agencies responsible for the implementation of the NAP-s, promoting gender mainstreaming into Government policies. The Inter-Agency body is also the Coordination Body under Article 10 of the Istanbul Convention. It is responsible for the coordination of the policy development,

including development of the legal framework, planning of activities and programs directed at prevention of Domestic Violence. Members of the Commission are Deputy Ministers. The Assistant to the Prime Minister on Human Rights and Gender Equality chairs the Inter-Agency Commission.

Another Commission that falls under the HRC already is the Interagency Commission for the implementation of the Convention on the Rights of the Child and Children's Rights. It was established in 2016. The head of the Human Rights Secretariat chairs the Commission with the Deputy Minister of Foreign Affairs being the co-chair. The members of the Commission are the Ministry of Health, Labor and Social Affairs, Ministry of Education and Science, Ministry of Corrections, Ministry of Internal Affairs, Ministry of Justice, Ministry of Finance, Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees; Ministry of Defense, Ministry of Culture and Monument Protection, as well as the Assistant to the Prime Minister on Human Rights and Gender Equality. Others with a right to vote include the Supreme Court, Human Rights and Civic Integration Committee of the Parliament of Georgia, Prosecutor's Office, Legal Aid Service, Public Defender's Office, UNICEF, Coalition for Children and Youth Welfare and NGOs: "Partnership for Human Rights", "Georgian Association of Social Workers", "Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims." The main goal of the Commission is to create a far-reaching implementation plan for the Convention on the Rights of the Child. The Commission is also meant to support, coordinate and monitor all national and international obligations on the protection of children's rights.

However, for the HRC to be the NMRF, a key issue is to formalise the relationship with the other Councils. There is a need to ensure an alignment of the interagency councils that do not fall under the HRC. At present, these relationships are ad hoc and sometimes simply a result of informal relationships between the personnel.

Where the Interagency councils are separate the interaction, report filing and taking up issues, implementing, reporting, coordinating etc all need to be put into the Decree governing the HRC. In this way the HRC becomes the coordinating,

implementation and reporting mechanism but it works also through the other councils.

e) Thematic Working Groups

Institutionalized standing thematic working groups should be established by the HRC. The TWGs should, as the name suggests, be focused on human rights themes, or by groups affected, such as women and children. They should be permanent so they continually survey the situation and take up matters as they arise. However, as was noted in an earlier report:

*"it is recommended that the recently established commissions or councils (such as those dealing with domestic violence, the rights of the child and the rights of persons with disabilities) should be integrated into the HRNAP monitoring and reporting system, precluding the need for separate thematic working groups on children and on persons with disabilities. The relation of any further human rights-related councils or commissions to the HRNAP and the thematic working groups already established by the Human Rights Council should be carefully considered."*²³

Thus, that report already called for integration and coherence of all the various mechanisms that exist. In this regard, the HRC can be the institution that pulls all the processes together. It should not be duplicating the work. Where necessary some of the councils should be brought under the HRC. Elsewhere it needs to act as a process that reviews the work of other councils and other relevant bodies and where necessary create a dynamic process for feedback to these other machineries to ensure that human rights issues are at the forefront of government processes, policies, laws and actions.

The TWGs will be crucial in this regard as the ongoing arenas where this work is done. There may however also be a need at times to create ad hoc TWGs on a specific issue at a specific time for a specific issue, report, processes etc.

Like with the HRC, there should be organizational clarity about the mandate, role and responsibilities of TWGs. However, much of their work would be about coordinating with Ministries and InterAgency councils. The issues of coordination,

²³ David Johnson Recommendations on a proper monitoring system and ongoing activities for the Georgian National Human Rights Action Plan September 2017.

reporting and implementation have to be the focus of their brief. The role of the TWG should be to see that human rights issues that emerge, that are reported on, that need to be reported on, and reports that need to be sent to a specific institution, occurs. The Executive should decide which TWG takes up a specific issue, report, recommendation, etc. TWGs should be reporting to the HRC and all state reports should be examined by the necessary TWG before being finalized.

TWGs should be made up from senior members of ministries, who do not necessarily have to be minister or deputy minister. They could be Heads of Department. Each Ministry should designate a person or persons to attend. Having more than one person designated would assist the process to not be dependent on a single person. The person attending may also differ where the work is about a specific issue in the competence of one or more people. This would allow flexibility and would allow meetings to go ahead even if a specific person was unavailable. Meetings could be held as and when needed, but at least every three months, or more often if needed. Other people could be invited to attend including representatives of civil society. Allowing civil society to fully and regularly participate would enhance the stature and credibility of the process as a whole. It might be that the various non-governmental members of the HRC nominate one or two people, well versed in the issues of the TWG, to serve on those structures. The executive should be enabled to invite persons to serve for a year or to attend a specific meeting as required by the TWG. The TWG should have a coordinator elected by the TWG, for 1 year at a time, to ensure meetings run efficiently and that the TWG and the Secretariat are in constant synchronization.

TWG should be empowered to establish sub-committees for specific tasks depending on the magnitude and scope of the work. This may ease the work burden of a specific TWG. Each TWG should be able to set up such bodies as and when needed. The TWG should be able to decide on size, scope, competence and other issues affecting these bodies.

f) Reporting to and coordinating with Parliament.

The Human Rights Council is meant to report annually to parliament. However, it is unclear because of a lack of regulation about how, by whom and what should be

done with such reports. Parliamentary oversight is essential, and the HRC should be adequately dealt with by Parliament. Adequate time for a hearing, with sufficient time to engage with the issues should occur. The quality of the work reflects on Georgia's perceived commitments to human rights. A more robust process would considerably increase the efficiency of the Human Rights Council, assist in improving the rule of law in the country, and further encourage the promotion of human rights.

The next Human Rights Strategy needs to be drafted as the present instrument comes to an end in the not too distant future. This ought to be set in motion very soon. The process to adopt the Action Plan for 2016-2017 was late and it was only approved in July 2017. Therefore there was only one year and a half to fulfil the obligations under that Action Plan rather than two years. It would also make sense for the Decree to set out the process and specific timelines for future Strategies as well as Action Plans. These ought to be closely aligned to the HRC as a NMRF mechanism.