



The Implementation Report of the Action Plan of the Government of Georgia on the Protection of Human Rights 2016-2017

Short Version

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Introduction

On June 13, 2016 the Government of Georgia approved Action Plan on the Protection of Human Rights for 2016-2017 by Government Order #1138, which represents second action plan of the Government of Georgia adopted for the implementation of the strategy of Human Rights and Civil Integration Committee of the Parliament of Georgia for 2014-2020. The document consists of 24 chapters divided by topics, which includes 59 goals and 221 objectives to be implemented within the limits of these goals. After the approval of the action plan the financial experts invited by the United Nations Development Programme conducted financial assessment of actions determined under the plan. According to the assessment the full-scale implementation of the action plan requires financial resources of 590 million Georgian Lari.

Human Rights Secretariat of the Administration of the Government of Georgia is responsible for the development process of the action plan. The initial draft of the document was prepared in cooperation with the representatives of the ministries and other public institutions. Participation of all interested parties was ensured in the process of development of document. In particular, the first draft of the action plan was shared for comments and recommendations with the Parliament of Georgia and Public Defender's Office of Georgia, as well as with the interested civil society organizations and international partners. Action Plan on the Protection of Human Rights submitted to the Government of Georgia for approval included majority of proposals and commentaries made during the working process.

The mid-term report of Action Plan on the Protection of Human Rights was presented in 2017 which included the information regarding the measures taken in 2016 by the government entities responsible for the implementation of action plan. The mid-term report did not include the information regarding the status of implemented activities.

Mid-way through its course, in 2017 the USAID-supported activity Promoting Rule of Law in Georgia implemented by East-West Management Institute (EWMI) and the United Nations Development Programme invited an international expert to make an external assessment of the status of its implementation, identifying progress, together with any shortcomings, and recommending approaches for improving the implementation process.¹

According to the expert assessment, considerable effort has been invested over the past three years in translating the National Strategy into concrete action through the development of Action Plans, often highly detailed and technical in nature. In order to keep to the original vision of the National Strategy, it would be useful for the Government, at every level, as well as the Parliament, to reaffirm its commitment to applying a human rights based approach in the formulation, implementation, monitoring and assessment of policy papers and programmes.

The expert assessment includes the assessment of positive tendencies, as well as general findings and recommendations. The following measures taken by the government were positively assessed:

¹The report is available at: <http://myrights.gov.ge/uploads/files/docs/8512ReportonimplementationHumanRightsStrategyGEOEWMIUNDP.PDF>

- 1 Adoption of Juvenile Justice Code;
- 2 Changes with regard to the penitentiaries and the prevention of torture and ill-treatment;
- 3 Adoption of the Law on Personal Data Protection and establishment of Office of the Personal Data Protection Inspector;
- 4 Adoption of the Law on the Elimination of All Forms of Discrimination;
- 5 Ratification of UN Convention on the Rights of Persons with Disabilities in 2013;
- 6 Law on International Protection which came into force on 1 February 2017, bringing national legislation further into line with international standards in relation to asylum-seekers, refugees, humanitarian status holders and persons under temporary protection.

As it was mentioned above the report includes general findings and recommendations out of which the following are especially important:

- 1 The development of a culture of transparent, democratic law-making, involving consultations with stakeholders, in particular the Public Defender and representatives of civil society, should be continued and strengthened.
- 2 Incentives towards respecting human rights should be built into the professional career systems of public servants, at recruitment and promotion stages.
- 3 The independence of judges and prosecutors in practice needs to be addressed even more vigorously.
- 4 In the spirit of institutional democracy as set out in the National Strategy, all efforts should be made to protect media pluralism in the country and to maintain Georgia's rise in the ranks of world press freedom.
- 5 If systemic change is to be sustainable, further effort needs to be put into costing and budgeting of Action Plans to implement the National Strategy.

- 6 The private sector should be addressed in future legislative and policy approaches in all spheres.
- 7 Further consideration should be given to the role to be played by local government in giving effect to the National Strategy.
- 8 Additional creative and innovative information programmes (especially in the regions) should be developed under future Action Plans.
- 9 All leading figures should be persistently vocal on the point that all human rights are for all. This is a message that should percolate down to all levels of public service.

The Implementation Report of the National Action Plan for the Protection of Human Rights covers the information regarding the implementation of actions by the responsible agency during the period of 2016-2017. The document provides information regarding the status of each implemented activity. The implementation of activity was assessed in accordance with the following four statuses: 1. fully implemented; 2. mostly implemented; 3. partially implemented and 4. Not implemented at all. According to the proposed methodology 52% of actions determined under the action plan are fully implemented, 28% is mostly implemented, 12% is partially implemented and 8% is not implemented at all.

With the support of the USAID-supported activity Promoting Rule of Law in Georgia (PROLoG) implemented by East-West Management Institute (EWMI) and Open Society Georgia Foundation (OSGF) the monitoring of implementation of 2016-2017 Government Action Plan was enforced. The monitoring was done by several non-governmental organizations and the shadow report was drafted on the implementation of the action plan. The presentation of initial version of shadow report and its review was done with the participation of representatives of responsible agencies. Based on this review several changes and clarifications were made in the draft of the government report as well as in the shadow report.

01

Civil and Political Rights

This part provides overview of 7 chapters from the Action Plan: (1) Criminal justice; (2) Right to fair trial, prosecutor's office; (3) Protection of human rights in penitentiary system; (4) Elimination of torture and ill treatment; (5) Right to privacy (6) Freedom of expression (7) Right to assembly and association.

In 2016-2017 around 13 actions were planned in criminal justice, out of which 2 are fully implemented, 6 activities are mostly implemented and 5 partially implemented. The following measures were taken during the reporting period to ensure the achievement of objectives determined in this chapter:

The legislative amendments to the Criminal Procedural Code of Georgia regulating norms on the admissibility of circumstantial evidence were drafted by the Criminal Justice Reform Inter-Agency Coordination Council. The amendments will be initiated in the Parliament during 2018.

In 2017 the Prosecutor's Office of Georgia developed recommendations for prosecutors regarding the injured party. The goal is to establish unified practice with regard to injured parties in compliance with the case law of the European Court of Human Rights, which will simplify the participation of injured party in legal proceedings and ensure full scale enforcement of their rights and interests.

In 2017 the draft law on amendments and changes to the Criminal Procedural Code of Georgia was developed regulating the right of presence of witness coordinator and injured party during the investigative and procedural measures to be conducted with the participation of victims of domestic violence. On February 21, 2018 the amendments and changes were initiated by the Government of Georgia to the Parliament of Georgia.²

The amendments and changes to the Criminal Code of Georgia were drafted through the intensive meetings and work of the experts working group created at the Criminal Justice Reform Inter-Agency Coordination Council with the purpose of liberalization, modernization and bringing the Code in compliance with the international standards. The draft law will be submitted to the Parliament of Georgia for approval by the end of 2018.

According to the data of 2016 of the Prosecutor's Office the number of people under the criminal liability for the homo/transphobia crimes has doubled in 2017. In 2017 the hate as the motive of crime was considered in 86 criminal cases. In particular, sexual orientation was considered to be the reason in 12 criminal cases, gender identity issue in 37 cases, gender issues in 25 cases, nationality in 1 case and religious issue in 10 cases. In 2017 the criminal persecution was initiated against 44 people on the bases on hate motivated crimesd.

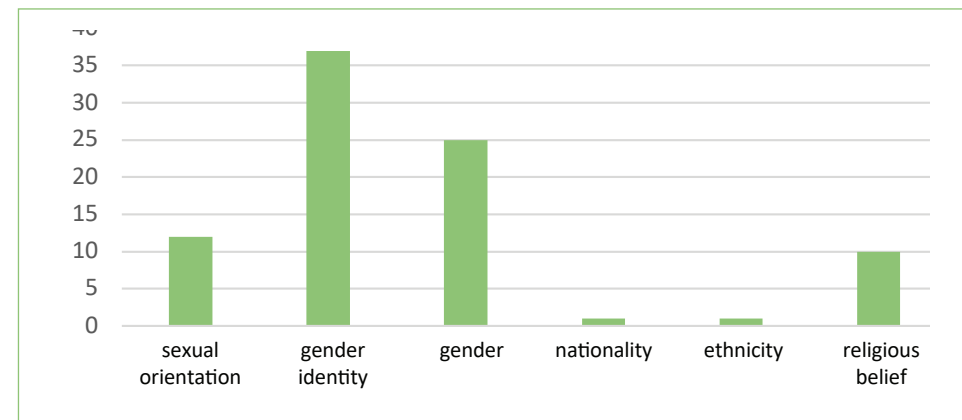


Table 1: 2017 Statistics on Homo/Transphobia Crime

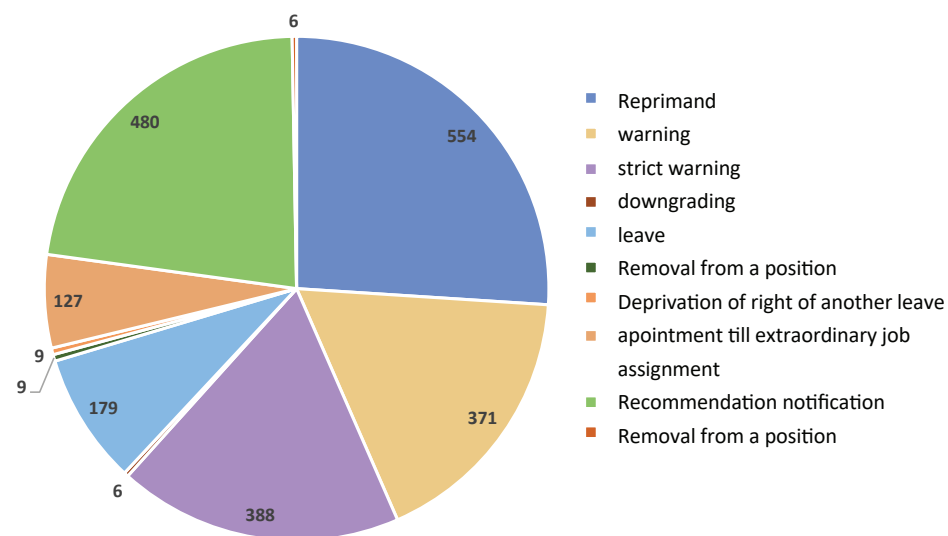
²Detailed information regarding the legislative initiatives is available at: <https://info.parliament.ge/#law-drafting/15198>

The Governmental Commission to Reform the System of Administrative Violations created for the reform of the Code on Administrative Violations continues to work on draft amendments to the Code of Administrative Violations, Criminal Code and Criminal Procedural Code of Georgia. The completion of work is planned for the end of 2018 after which it will be initiated to the Parliament of Georgia.

Significant number of activities was performed during the reporting period in order to strengthen knowledge/qualification of public servants with regard to violence against women and domestic violence. The trainings were held for the representatives of judiciary, law-enforcement entities and prosecutors (totally 1765 employees of the Ministry of Interior Affairs, 313 employees of the Prosecutor's Office and training of trainers for 4 judges).

In 2016-2017 around 7345 complaints were submitted to the General Inspection of the Ministry of Interior Affairs of Georgia with regard to possible facts of violation of citizen's rights by the employees of the Ministry of Interior Affairs. It is important to note that number of applications in 2017 has decreased at least by five. Different disciplinary measures were imposed on the employees of the Ministry of Interior Affairs, including removal from a position, downgrading, reprimand and etc.

At the beginning of 2018 the changes were made to the Order # 423 of the Minister of Interior Affairs on approval of Internal Regulations for the Typical Regulation of Temporary Detention Isolator of the Ministry of Interior Affairs of Georgia. According to the changes the term for keeping video recording made at the temporary detention isolator increased from 24 hours up to 120 hours, which covers the entire period of placement of detainee at the temporary detention isolator.



In 2016-2017 totally 18 activities were planned with regard to chapter on the **right to a fair trial** of the action plan, out of which 8 were fully implemented, 4 mostly implemented, 4 partially implemented and 2 activities are not implemented at all. The following measures were taken during the reporting period to ensure the achievement of objectives determined in this chapter:

On May 29, 2017 The High Council of Justice of Georgia approved five year strategy (2017-2021) and two year action plan (2017-2018) for the common courts of Georgia.

On May 1, 2017 in order to establish objective criteria for case allocation in the common courts of Georgia the High Council of Justice of Georgia made a decision on approval of automatic, electronic case allocation system at the common courts of Georgia. Based on this rule the electronic

case allocation system was introduced as pilot project in Rustavi City Court. On December 31, 2017 electronic case allocation system was initiated on entire territory of Georgia.

The position of independent inspector was introduced in disciplinary legal proceedings. In 2017 the High Council of Justice selected independent inspector through the competition. According to the statistical data of the High Council of Justice totally 488 disciplinary cases were processed during 2016 and 365 cases in 2017.

From cases reviewed in 2016:

- Disciplinary proceedings were terminated in 209 cases;
- Private letter of recommendation was issued for judges in 3 cases;
- Explanations were requested from judges in 25 cases, based on which the disciplinary proceedings were terminated in 16 cases, private recommendation letter was issued for a judge in 1 case and disciplinary prosecution was initiated in case of 8 judges;
- 1 judge was found disciplinary liable and the case was transferred for review to the Disciplinary Collegium of the Common Courts of Georgia;
- High Council of Justice was not able to make a decision in 1 case;
- Disciplinary legal proceedings are underway in 257 cases.

From cases reviewed in 2017:

- Disciplinary proceedings were terminated in 345 cases;
- Explanations were requested from judges in 15 cases;
- Private letter of recommendation was issued for judges in 2 cases;
- 3 judges were found disciplinary liable and based on a decision of

the High Council of Justice of Georgia these cases were unified and transferred for review to the Disciplinary Collegium of the Common Courts of Georgia;

- 41 disciplinary cases were transferred for review in 2018.

During the third wave of judicial reform the admissibility criteria for appeals to the Supreme Court has broadened, according to which the non-compliance of the Appellate Court Decision with the case law of the European Court of Human Rights is the admissibility grounds for the cassation complaint.

During the reporting period the analytical work has become more active in the judiciary and several studies were drafted on human rights in Georgian language. Human Rights Center of the Supreme Court of Georgia published around 200 decisions of the European Court of Human Rights in Georgian Language;³ three studies on the case law of the European Court of Human Rights were issued.⁴

In 2016 the position of Human Rights Advisor/Consultant was introduced at the Tbilisi City Court in order to broaden the application of international human rights principles in court practice. In 2017 the same position was introduced in Tbilisi and Kutaisi Appellate Courts.

In 2016 -2017 High School of Justice conducted 185 trainings. Totally 2888 persons participated in the trainings (29.6% male, 70.4 % female). The training covered such important issues as labor law, protection of personal data, international human rights law practice and etc.

³Thematic search of the decisions of the European Court of Human Rights - EUROPEAN COURT OF HUMAN RIGHTS CASE-LAW, available at: <http://catalog.supremecourt.ge/>

⁴Studies prepared by the Human Rights Center available at: <http://www.supremecourt.ge/information25/>

In 2016-2017 around 19 activities were planned with regard to the Prosecutor's Office, out of which 10 are fully implemented, 5 mostly implemented and 4 partially implemented. The important measures were taken during the reporting period in order to establish relevant criminal justice policy that ensures independent, impartial, effective investigation, in compliance with the crime conditions. The measures include both legislative changes, as well as improvement of qualification of employees and drafting the guidelines/instruments, in particular:

In 2016 the Prosecutor's Office of Georgia studied criminal cases of different legal qualification and analyzed them. The guiding recommendations were developed by the Prosecutor's Office based on this document and the permanent monitoring of their implementation was established.

The working group composed of prosecutors and investigators of the Ministry of Interior Affairs was established based on the initiative of the Prosecutor's Office, which drafted the guidebook on investigation methodology, which is available for all prosecutors and investigators.

During the reporting period the recommendations were developed for the prosecutors on following matters: "Article 53, paragraph 31 of the Criminal Code of Georgia, to be used as the aggravating circumstances in the practice"; "investigation of criminal cases where persons with disabilities are involved"; "investigation of facts of ill treatment committed by a public servant or persons equal to them".

The textbook on legal writing was created for the employees of prosecutor's office in order to ensure unified standards for drafting certain documents. During the reporting period the training was held on the textbook for 330 employees.

The text book on investigation and criminal persecution of corruption crimes committed by the legal entities was developed by Prosecutor's Office.

During the reporting period in 2016 the Prosecutor's office of Georgia totally conducted 734 events in order to expand the scope of public prosecution. Among these events 467 were educational and 29 sport activity. In addition, 39 different social activities were organized. 34266 people participated in these activities.

Starting March, 2016 the Prosecutor's Office of Georgia launched the new project of "Local Councils". The main goal of the project is to discuss criminal situation in the region, to make decisions about preventive measures required for the region, to develop initiatives and to draw up a coordination plan about fighting crime in cooperation with other government agencies and non-governmental organizations. "Local Councils" represent coordination body at regional level. Members of the Council are the representatives of the law-enforcement institutions, municipalities, executive government, non-governmental organizations and public. In 2016-2017 around 27 meetings of local councils were held in Georgia. The Council may also have temporary members from the civil society.

The evaluation criteria for regional and district prosecutors were approved by the Order of the Chief Prosecutor issued on January 31, 2017. These criteria are used for the evaluation of prosecutor's with regard to procedural supervision, quality of state accusation, and reasoning of procedural documents; work in the electronic criminal case management program, disciplinary and ethical norms, training outcomes and other activities. By the end of 2017 the criteria for evaluation of investigators and prosecutors of the departments were approved by the Order of the Chief Prosecutor.

The draft code of ethics for the employees of the Prosecutor's Office was developed. The Code includes details of disciplinary offences. The Code was approved by the Order of The Minister of Justice on May 25, 2017.⁵

On February 19, 2016 the Consultation Council was established based on the Order of the Chief Prosecutor of Georgia. The goal of the Consultation Council is to examine the important matters necessary for the development of prosecutor's office, the issues related to employee motivation, promotions and disciplinary liabilities. Around 16 meetings of the Consultation Council were held during the period of 2016-2017. General Inspector's Office presented to the Consultation Council report of internal inspection with regard to 63 employees of the prosecutor's office.

The Prosecutor's Office of Georgia approved the Strategy and Action Plan for the Prosecutor's Office for the period of 2017-2021 in order to ensure the transparency, predictability and sustainable development of the work of prosecutor's office.⁶

In 2016-2017 around 80 activities were planned with regard to human rights protection in the penitentiary system, out of which 32 were fully implemented, 9 partially implemented and 3 were not implemented at all. The following measures were taken during the reporting period to ensure the achievement of objectives determined in this chapter:

In 2016-2017 The Ministry of Corrections of Georgia prepared legislative amendments in 18 different laws. Part of proposed amendments entered the legal force upon publication, another part became active starting September 1, 2017 and the rest from January 1, 2018. The legislative amendments include the following issues:

- Restriction of freedom, as form of punishment, to be annulled;
- Introduction of new category of non-custodial punishment for adults – home arrest;
- New regulation of a right of accused/defendant to use radio and/or TV set;
- Right to higher education for defendants placed at the low risk or juvenile rehabilitation facilities or facility for the preparation of convicts for release;
- Decrease of terms of administrative imprisonment determined under the Imprisonment Code;
- New regulation of issues related to the early conditional release;
- Improvement of appeal mechanisms of decisions of the local councils on early conditional release;
- Improvement of mechanism of release of defendants with life sentence;
- Regulation of issues related to the outside restricted line of the penitentiary establishment;
- Prisoner moms, serving a sentence at particular risk facilities, who have a 3-year-old child, will be authorized to leave the institution on weekends and holidays during one year period after a child leaves the Prison Nursery;
- Change of mechanism for postponing sentences;
- Improvement of mechanism for release from punishment due to illness and age;

In addition, during the reporting period:

- The strategy and action plan for the development of psycho-social direction at the penitentiary was developed;

⁵The document is available at: <https://matsne.gov.ge/ka/document/view/3679145>

⁶The document is available at: <http://pog.gov.ge/res/docs/saqartvelosprokuratuisstrategia.pdf>

- With the support and in cooperation with EU Project on Support to the Development of Penitentiary and Probation Systems in Georgia (EU4Justice):
 - The defendant (adult) risk and needs assessment instrument was modified and the instrument of risk and damage was developed. The piloting started in the establishment #16;
 - The logical model of psycho-social programs, matrix of evaluation and review has started in order to establish their effectiveness; Bureau of International Narcotics and Law Enforcement Affairs is also involved in this process;
 - The working group has been established to prepare job description of a psychologist at the penitentiary, probation and crime prevention centers;
- The modification of Spanish model “Program Oriented on Change of Domestic Violence Behavior” at the penitentiary establishment has started within the framework of cooperation with EU for Women and Anti-Violence Network of Georgia;
- The creation of instrument to identify women victim of domestic violence and violence against women has started in cooperation with Anti-Violence Network of Georgia in order to establish in penitentiary and probation systems;
- The electronic database of rehabilitation programs was established in all penitentiary departments;
- The work instrument of psychologist –the notes of psychologist’s consultations” and “Psychological assessment of defendant/convict”- was approved;

Individual planning of serving the sentence was implemented in all penitentiary establishments. As of January 1, 2018 around 23% of convicts

were involved in the individual planning of sentence. It is important to underline that all women and juvenile defendants, as well as all convicts placed at the low risk penitentiary establishment #16 participate in the planning of serving individual sentence.

In 2016-2017 the infrastructure of the penitentiary facilities significantly improved, including:

- The infrastructure necessary for long term visits at N8 Penitentiary Facility was built and equipped according to the standards. It is in use since March, 2018.
- N6 Imprisonment and Special Risk Penitentiary Facility, where the high risk convicts are placed, was renovated and opened in 2016.
- The construction of public reception at Geguti N14 Penitentiary facility finished in 2017 and started to work.
- The service network for video visit broadened in 2016 and the service is available in 8 probation bureaus (Tbilisi, Kutaisi, Gori, Rustavi, Batumi, Akhaltsike, Zugdidi and Telavi). It is possible to communicate with 5 penitentiary facilities.
- Additional video visit locations were established in 2017 in Ambrolauri and Ozurgeti. Video visit services are available in additional 2 penitentiary facilities from 2017 - N8 Penitentiary Facility and N14 Penitentiary Facility in Geguti.

In July, 2016 the webpage for sale of handmade staff of defendants/convicts was launched based on the initiative of the Ministry of Corrections of Georgia. Around 40 convicts were occupied by the individual work and registered as the representatives of micro business. The handmade products are placed on specially created webpage for sale- online.moc.gov.ge.

In 2016 around 1325 convicts were involved in educational vocational programs, which represent 16% of total number of convicts. In 2017 around 1567 beneficiaries were involved in educational and vocational programs, which represent 19.4% of total number of prisoners.

In 2016 totally 11 convicts/defendants participated in the national entry examinations, out of which 3 were accepted. Two convicts participated in the unified exam for master's program and 1 successfully passed. In 2017 totally 16 convicts participated in the national examination and 10 convicts were accepted to the bachelor's program, 3 defendants (bachelor's program and 1 convict to the master's degree program).

During the reporting period special attention was paid to the psycho-social and rehabilitation for convicts as well as for probationers, in particular:

- In 2016 totally 1437 convicts were involved in psycho-social information and rehabilitation programs (which is 18% of total number of convicts) including, group interventions -437, different type of art therapy-178; psycho-social trainings were attended by 822 beneficiaries. The rehabilitation program for substance abuse based on Minnesota model – Atlantis - was initiated in penitentiary facilities N5 and N2. In 2016-2017 totally 14 women and 26 men convicts participated in the program.
- In 2017 totally 1764 convicts were involved in psycho-social information and rehabilitation programs, among them 263 were juveniles and 248 women.
- On July 14, 2016 the unified Order №92 №01-26/N of the Minister of Correction and Minister of Labor, Health and Social Affairs was issued on Approval and Implementation of Substitution Treatment Programs in Custodial Settings for Opioid Dependent Persons. In 2016-2017

totally 841 beneficiaries were included in the Substitution Treatment Programs in Custodial Settings for Opioid Dependent Persons.

- In 2016 totally 4821 probationer went through different psycho-rehabilitation program, which represent 26% of total number of probationers. In 2017 totally 3566 probationers went through psycho-rehabilitation program, which is 15.6% of total number of probationers.

In 2016 totally 156 probationers started to work with the assistance of the National Probation Agency. The number of employed probationers is increased by 25% comparing to the results of previous years. In 2017 totally 108 probationers were employed with the help of National Probation Agency.

In 2016-2017 totally 18 activities were planned with regard to **fight against torture and ill treatment**, out of which 8 are fully implemented, 5 mostly implemented, 3 partially implemented and 2 were not implemented at all. The following measures were taken during the reporting period to ensure the achievement of objectives determined in this chapter:

The Secretariat of the Inter-agency Coordinating Council against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment continues to work on the package of amendments and changes. The goal of these changes is to increase the role of a judge in fight against torture and ill treatment during the criminal legal proceedings.

As of September 1, 2016, the Public Defender and the members of Special Preventive Group authorized by the Public Defender are entitled according to the Order of the Minister of Corrections and requirement of Law of Georgia on State Secrets and based on the consent of the defendants/

convicts to take photos in penitentiary establishments of conditions in the cells, places for walk, medical/doctor points, cafeteria, shower and bathroom of common use and meeting rooms.

The legislative amendments to the Criminal Code of Georgia⁷ which entered the legal force as of December 1, 2016 include the following:

- The statute of limitation for the exemption from criminal liability shall not be applied in cases of torture, threat of torture and inhuman and degrading treatment;
- The crime determined under Article 144¹ the persons subjected to torture is broadened;
- Three conditions were added to Article 144¹, Paragraph 2 list of aggravating circumstances: by medical manipulation, use of medicine or special instrument (tool); committed for mercenary purposes, for the purpose to force to confess commission of specially grave crime or to give false denunciation against third persons;
- The following aggravating circumstances were added to paragraph 3 of the same article: committed by the sexual violence, which caused death or other grave results of a victim;
- The punishment for crimes determined under Article 144¹ part 3 and Article 144³ is stricter.

During the reporting period The Ministry of Justice of Georgia developed the draft law on the State Inspector. The draft law determines creation of new, institutionally independent entity, which is equipped with exclusive authority to investigate torture and possible crimes related to it, when the possible offender is the state representative or possible victim is under effective control of the state. The draft law was presented on January 31,

2018 at the meeting of the Council to fight against torture. In February, 2018 the draft law was submitted to the parliament of Georgia.

During the reporting period totally 14 activities were planned to ensure compliance with international standards with regard to protection of privacy and personal data, out of which 12 were fully implemented and 2 activities are mostly implemented. Certain measures were taken by different state institutions during the reporting period to ensure the achievement of objectives determined in this chapter:

Since May, 2013 the policy on protection of personal data is approved in LEPL Public Service Development Agency. The purpose of the policy is to declare the vision and approach of the Agency towards the protection of personal data.

The package of legislative changes was prepared for improvement of laws and harmonization with international standards and the legal expertise of this proposal was made in January-March, 2016 with the help of Council of Europe. In 2016-2017 bylaws regulating protection and processing of personal data were adopted or improved and number of recommendations and comments drafted in order to make the legislation on protection of personal data complete.

It is important to underline that appointment of persons responsible for the protection of personal data is ensured in all relevant institutions: personal data protection monitoring group was created at the Ministry of Interior Affairs; the personal data protection officer is appointed at the Public Service Development Agency; the personal data protection unit

⁷Law of Georgia on amendments and changes to the Criminal Code of Georgia is available at: <https://matsne.gov.ge/ka/document/view/3448194#DOCUMENT:1>

was created at the Ministry of Defense; the employees are assigned with the task of personal data protection at the Ministry of Corrections.

The filing system catalogue was created by all relevant institutions and was submitted to the Personal Data Protection Inspector, which are uploaded later on the specially developed webpage.

The improvement of personal data protection legislative framework takes place at European Union and Council of Europe level for the effective implementation of personal data protection legislation in public and private sector. The development of amendments to the current legislation is planned after which official commentaries to the law will be drafted.

The Office of Personal Data Protection Inspector developed recommendations for processing of personal data protection of children at schools and by the institutions of higher education. The guidelines for the startup business and entrepreneurs on legal processing of personal data, security and other important matters developed by the Office of Personal Data Protection are worthy to mention. In addition, the Office prepared recommendations for the processing of data related to the health condition.

The Office of Personal Data Protection systematically studies the complaints of private citizens with regard to reveal of possible legal violations and taking appropriate measures. The inspection of data controllers of private and public sectors is also very important. In 2017 totally 106 inspections were held by the Inspector as a result of which 127 facts of violation were revealed and necessary measures were taken. In 2016 totally 87 inspections were held and 195 facts revealed. The consultations are permanently provided for the public entities and

private institutions as well as individuals. The number of applications for consultations has doubled.

The trainings and meetings for private as well as public entities are conducted with the purpose to ensure personal data protection. According to 2017 data totally 40 educational events were held and more than 1000 people attended. The personal data protection issues are taught as part of different curriculum at the Police Academy.

Raising public awareness has been one of the priorities of the Office of Personal Data Protection Inspector and remained so in 2017. The sociological study to reveal public attitudes towards the human rights protection and access to justice among the citizens of Georgia was conducted with the Support of EU and UNDP joint projects.

The information brochures in Abkhazian, Ossetia, Russian, Azerbaijani and Armenian languages were drafted and published by the Office of Inspector. The information meetings and public lectures are held frequently.

Effective investigation of facts of violation of right to privacy and criminal persecution are very important in personal data protection work. In 2016 criminal persecution was commenced against 17 people for the violation of privacy information and personal data. In 2017 criminal persecution was initiated against 2 persons for the violation of privacy information and personal data.

Totally 6 activities were planned during the reporting period for the **protection of freedom of expression**, out of which 4 activities were fully implemented and 2 activities mostly implemented.

The public relations unit of the Ministry of Interior Affairs developed the instruction for the employee of the MIA to communicate with media; Prosecutor's Office reacts effectively to all criminal acts committed against journalists due to their professional work; Human Rights Unit of the Prosecutor's Office collects and registers statistics for crimes determined under Article 154 of the Criminal Code of Georgia; During the reporting period Parliament of Georgia adopted two important legislative changes the purpose of which is to identify legislative gaps with regard to freedom of expression – the regulation on broadcasting through multiplex platform has been established; The amendments and changes were made to the Law of Georgia on Broadcasting, according to these amendments the issues related to the language of broadcasting and minimum length of broadcasting during the day and night time were determined. The Ministry of Justice of Georgia works on the package of legislative amendments the aim of which is to improve the regulation of freedom of speech and expression and to eliminate the gaps. The freedom of information legislative reform was initiated in order to increase the access to the public information. This work is performed by the Ministry of Justice in close coordination with non-governmental organizations. The reform is targeted towards the elimination of problems in practice, sharing of best international practice and simplification of procedures of receipt of information. The draft law on freedom of information was prepared by the working group created within the Anti-Corruption Inter-Agency Coordination Council as well as assistance of focus groups and law experts. The Ministry of Justice continues to work on the draft law based

on the conclusions of the international experts. The Anti-Corruption Inter-Agency Coordination Council will review the final text of the draft law in 2018 after which it will be presented to the Parliament of Georgia.

During the reporting period 3 activities were planned for the protection of **freedom of assembly and association** and all of them were fully implemented.

Police Academy teaches the right to freedom of assembly and association within the different programs and courses. According to the data of 2016 totally 1250 listeners attended the above mentioned course and in 2017 there were 296 participants. In 2016-2017 the trainings were organized for the employees of the Ministry of Interior Affairs on issues of freedom of assembly and association within the European Union and UN joint project "Human Rights for All". The Police Academy teaches freedom of assembly and association as a basic course as well as training of police officers and raising public awareness. Timely and effective investigation of right to freedom of assembly and association and commencement of criminal persecution are the most important guarantees for the protection of this right. It is important to underline that there are no facts of investigation or prosecution for crime determined under article 161 of the Criminal Code registered during 2016-2017. According to the data of the Police Academy in 2016 totally 1250 listeners attended this course and in 2017 there were 296 participants.

02

Economic, Social and Cultural Rights

This part covers chapter 2 of the Action Plan, in particular: (20) Labor rights; (21) protection of ecological rights.

There were 14 activities planned with regard to **labor rights** during the period of 2016-2017, out of which 7 were fully implemented, 3 mostly implemented and 4 partially implemented. The following measures were taken during the reporting period to ensure the achievement of objectives determined in this chapter:

On April 11, 2016 Trilateral Commission for Social Partnership approved the strategy for 2016-2017 for the development of social dialogue process. The strategy was developed by the representatives of government entities, social partnership and International Labor Organization.

During the reporting period two meetings of Trilateral Commission for Social Partnership was organized. In addition, the working group within the Trilateral Commission for Social Partnership conducted 9 meetings.

In 2016-2017 the active work was implemented to harmonize Georgian legislation with EU Labor legislation, in particular: with the financial and expert support of EU-Project „Technical Assistance to Vocational Training and Employment Reforms in Georgia” (EUVEGE) eight standard projects were drafted taking into account EU directives.

In addition, the draft law on the safety and health of workers at work was drafted in accordance with the EU Framework Directive 89/391/EEC on the Introduction of Measures to Encourage Improvements in the Safety and health of Workers at Work adopted on June 12, 1989. In June 2017 the draft law was submitted to the Parliament which adopted it by the first hearing on November 2, 2017. The working group was established

by the parliamentary committees after the first hearing of the draft law the. The working group is composed of local and international experts, social partners and representatives of executive government. Different important aspects were reviewed by the working group, including scope of law, terms of enforcement, administrative penalties and other issues.

On July 11, 2017 the meeting of Social Partnership was held in Batumi with the assistance of International Labor Organization for the development of social dialogue on regional level. The representatives of International Labor Organization, Government and legislative branch of Adjara, Parliament of Georgia, Employers Association and professional unions attended the meeting.

The idea of creation of Trilateral Commission for Social Partnership in Adjara region was supported by the government of Adjara Autonomous Republic, Adjara Branch of Employers Association and regional representatives of Georgian Trade Unions Confederation. The working group for the creation of Trilateral Commission was established. On July 19 2017 the working group presented the draft charter of Trilateral Commission for Social Partnership, according to which each party will be represented by 4 members in the Commission and will be led by the Chairman of the Government of Adjara Autonomous Republic. Each party was given the draft charter in order to get familiar with the document and present opinions. The Employers Association and Adjara Trade Union jointly developed the draft of charter of Trilateral Commission for Social Partnership and order of government. It is planned to approve these documents in 2018.

During the reporting period the special attention was paid to the support of resolving class action through mediation. The mediators were selected,

who were trained with the support of International Labor Organization (ILO). Based on February 10, 2017 decision of Trilateral Commission for Social Partnership order of the Minister of Labor, Health and Social Affairs № 01-54/o on “Identification of Registry of Mediators Ensuring Procedures for Negotiation of Collective Claims” was approved on March 1, 2017. The term of registry is determined for 3 years and it is composed of 11 mediators.

In 2016 there were 17 class actions (2 started in 2015) out of which 7 completed by the agreement between the parties, 1 case was resolved with partial agreement, 2 cases continued in 2017 and in rest of the cases parties failed to agree. In 2017 there were 6 applications for appointment of mediator for class action on labor claim, out of which 4 claims completed with the agreement, 1 claim was terminated due to the lack of grounds of mediation and 1 claim continued in 2018.

In 2016-2017 there were 14 activities planned for the protection of **ecological rights**. All 14 activities were fully implemented. The following measures were taken during the reporting period to ensure the achievement of objectives determined in this chapter:

During the reporting period Environmental Information and Education Center created the data base of organizations having environmental information in order to simplify the procedures of collecting/obtaining environmental information from the public entities. The data base is available on the website of the Center at eiec.gov.ge. The data base includes information regarding the status of the organization, identification code, address, description of work, webpage and contact information. The information in data base is available according to the categories, which allows sorting the organizations according to the location, status and subject.

During the reporting period the draft law on “Environmental Assessment Code” was adopted in order to raise public awareness on environmental issues. The draft law ensures public participation at all levels of decision making, in particular screening, scoping and decision making on environmental issues. The code entered the legal force starting January 1, 2018.

In addition, Environmental Assessment Code determines procedures for those plans and programs that are subject to strategic environment assessment.

03

Protection of the Rights of the Child

In 2016-2017 there were 55 activities planned with regard to **protection of rights of the child**, out of which 27 were fully implemented, 12 mostly implemented, 9 were partially implemented and 7 remained not implemented at all. The following measures were taken during the reporting period to ensure the achievement of objectives determined in this chapter:

On May 24, 2017 the new law entered the legal force on “Child Adoption and Foster Care”. In addition, the rule for administration of mandatory preparatory course on foster care, adoption for the people wishing to take a child in foster care or adopt was approved. Totally 16 training courses for candidates for adoption were organized during the reporting period.

On June 8, 2016 the law on “Early and Pre-school Education and Care” was adopted. The draft law was prepared in coordination with Human Rights and Civil Integration Committee of Parliament of Georgia. According to this law the government of Georgia approved “Professional Standard of Caregiver Teacher”, “State Standard on Early and Preschool Education”; “Technical regulation on sanitary and hygiene norms at the early and pre-school care and education institutions” and “Technical regulation on approval on organization of meals at early and preschool education and care institutions”.

During the reporting period, on September 12, 2016 the child referral procedures were approved by the order of the Government of Georgia based on the amendments made on June 22, 2016 to the Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence. The new referral mechanism widened the list of entities that are obliged to refer the child abuse cases to the LEPL Social Service Agency and Police. The rule of coordination work and mechanism of effective and efficient response to child abuse cases were determined

by the referral procedures at the ministries, legal entities of public law under the control of the ministries, Prosecutor’s Office of Georgia. It is important to underline that referral mechanism describes in details child separation conditions from the violent environment. Referral mechanism also includes administrative liability for the failure to fulfil obligations determined by the document as well as creation of unified data base of child abuse cases by January, 2019.

During the reporting period program support for the new electronic module for notification of birth and death was created with the support of the Public Service Development Agency. In addition, the draft of legislative changes was prepared which determines the changes in the joint order for the Minister of Justice and Minister of Labor, Health and Social Affairs. The joint order №01-37/ბ–№173 of the Minister of Labor, Health and Social Affairs and Minister of Justice was issued on forms of medical notification of birth and death, the rule of filling out the form and sending and on approval of issuing the information on birth and death from the electronic database of the Public Service Development Agency.

The new electronic registration system “Monitoring of pregnant women and newborn babies” so called “Georgian Birth Registry” was established in 2016. The registry includes complete information about the antenatal, labor and postnatal period of each citizen of Georgia, as well as information regarding the abortion, pregnancy, still birth and early neonatal death. The functioning of pilot version started in January, 2016. “The rule on processing the registration of health condition of pregnant women and newborn babies” was approved on January 18, 2016 by the order N01-2/N of the Minister of Labor, Health and Social Affairs. The register started full scale operation from May, 2016. All institutions providing antenatal and perinatal services are obliged to fulfil the requirements determined

by the order. New electronic module is established and has 97% coverage. The concept paper on outpatient monitoring of 0-3 children was prepared during the reporting period. The questionnaire and curriculum for training of family nurses was developed. The on-line training of nurses in Imereti and Racha-Lechkhumu has finished.

In 2017 the system (electronic module) for monitoring growth-development of 0-6 age children has finished. The system evaluates early development of children from discharge from the maternity house and in case of need ensures child's connection with social and health services.

During the reporting period the process of piloting of electronic journal has started in the schools. During 2016-2017 school years the electronic journal was established in 359 institutions of general education.

The specialization of professionals according to the requirements of juvenile justice code started during the reporting period.

Totally 491 listeners attended training program for qualification of juvenile justice police officer and investigator from January 1, 2016 until December

31, 2016. In 2017 totally 318 police officers were trained.

In 2016 the high and mid-level managers, prosecutors and investigators, totally 45 people from different territorial units of prosecutor's office attended the juvenile justice specialized course.

According to data of 12 months in 2017, due to the needs revealed by the practice totally 24 prosecutors and investigators attended juvenile justice specialized course. In addition totally 17 witness and victim coordinators were trained.

UNICEF in cooperation with non-governmental organization "Initiative for Rehabilitation of Vulnerable Groups" developed document in order to improve juvenile statistics. The document describes statistics and its parameters to be processed in different institutions (including the Prosecutor's Office). In 2017 based on this document the special task was drafted by the Ministry of Justice and active participation of different institutions (including Prosecutor's Office) according to which the relevant electronic program is developed. This program allows collection of complete data regarding the juveniles from all institutions.

04

Rights of Minorities, Persons
with Disabilities and other
Vulnerable Groups

This part provides the overview of the following chapter from the National Action Plan: Chapter 10 Protection of Ethnic Minorities; Chapter 11 – Protection of Religious Minorities; Chapter 19 – Rights of Persons with Disabilities; Chapter 6 – Trafficking.

During the reporting period there were 35 activities planned for the **protection of national/ethnic minorities**, out of which 25 activities were fully implemented, mostly implemented are 7 activities, partially implemented 2 activities and 1 activity remains not implemented.

The information meetings and trainings on rights of ethnic minorities and anti-discrimination legislation targeted towards raising the awareness among the public servants with regard to protection of national/ethnic minorities from discrimination are very important. In 2016 the State Ministry for Reconciliation and Civic Equality in cooperation with other institutions conducted series of meetings throughout the country for raising public awareness on ethnic minorities and understanding of anti-discrimination policy. The information materials were drafted in the languages of ethnic minorities and the videos were created about the EU integration. In 2017 information campaigns were held in Bolnisi and Akhalkalaki municipalities for raising the awareness regarding the accessibility of higher education, in particular “Special Educational Program to Learn Georgian Language, “1+4 Program”. In 2017 the State Minister’s Office in cooperation with UN Association Georgia implemented pilot internship program for people using “ Special Educational Program to Learn Georgian Language, “1+4 Program” with the purpose to improve the employment perspective for ethnic minority youth residing in Georgia and to support their inclusion and civil integration process. In order to improve awareness of police officers with regard to rights of ethnic minorities and anti-discrimination law these subject are taught during

different courses at the Police Academy. In 2016-2017 totally 864 listeners attended this program. The inclusion of vulnerable and ethnic minorities in public life is implemented by different means - the unified standard of issuing documents is established in Georgia and it is the same for all ethnic groups. House of Justice and Public Service Hall were opened in villages and regions, where local community can easily receive services in one place, including the Personal ID document. Legislative changes were made to more than 10 laws in order to ensure issuing of identification documents for homeless children, the terms children living or/and working in streets was determined and LEPL Social Service Agency, as the agency of care and guardianship was assigned the right to apply to the Public Service Development Agency with the purpose to issue identification cards for the homeless children. The Ministry of Education and Science implemented number of activities with regard to small and vulnerable ethnic minorities: “Social inclusion support sub program”, special training module for the protection of Roma culture and individuality and etc. The inclusive election environment is guaranteed for the ethnic minorities. During the elections conducted by the Election Administration during 2016-2017 the ethnic minorities had equal right to participate. Armenian and Azerbaijanis member of district election commissions went through intensive training course according to the training concept paper. Several measures were taken for informing ethnic minority voters and their education: moot voting process was held in 53 villages of regions with compact settlements of ethnic minorities for Armenian and Azerbaijanis voters for the Parliamentary Elections in 2016. The project “Talk to voters” was implemented for the municipality elections in 2017. The purpose of the project was to raise the activeness of ethnic minority groups in election process and support them to make informed decisions. Several projects were implemented for the popularization of elections among the youth in 23 municipalities, including 3 municipalities populated with ethnic

minorities. Different activities are organized in order to improve access of ethnic minorities to mass media and information: Since 2016 Public Broadcaster broadcasts in three languages, under the auspices of Public Broadcaster webpage operates in 5 languages, in 2016-2017 the radio show “Our Georgia” continued and covers the characteristics of ethnic and religious minorities. As for the print media the newspaper “Vrastan” is published in Armenina Language since 2016 (52 editions annual; 4000 copes) and weekly newspaper “Gurjistan” in Azerbaijani language is issued on weekly bases (53 copies annually, 2000 copies). Ministry of regional Development and Infrastructure works on improvement of infrastructure in the regions populated with ethnic minorities. Different projects targeted towards the development of infrastructure were funded in Kvemo Kartli, Samtskhe-Javakheti and Kakheti regions. School readiness program was established to ensure the education of ethnic minorities and improve state education, which was transferred to the regional municipalities including those populated with national minorities. Multicultural summer schools for teachers and students are organized for teachers and students with the purpose to support dialogue among the cultures and their civil integration. National minority students are involved in mountain and ski sports and summer camps organized by the Ministry of Education and Science of Georgia. The policy paper “Education System for Public Integration”, which determines bilingual teaching strategy for non-Georgian schools was developed to ensure education process in non-Georgian schools. The LEPL Education and Science Infrastructure Development Agency of the Ministry of Education and Science of Georgia” implements Program “Providing Textbooks to Pupils”, the ethnic minority pupils are provided with transportation to schools; the consultant and assistant teacher is assigned to the targeted non-Georgian schools. The public is permanently informed regarding the benefits through the information means. Special education program teaching Georgian to ethnic

minorities, which is accredited special program, is conducted to support the receipt of higher education. Several activities are organized by the Ministry of Culture and Monument protection of Georgia to support the culture of ethnic minorities. These activities include: concerts of ethnos folk groups and painting competitions in Marneuli and Ninotsminda, classic music evenings, promotion of Georgian songs among the youth, photo exhibition of Georgia-Ossetian relationship, International Festival of Carpets in Akhaltsikhe and etc. The development and establishment of guidelines to fight against hate crime is very important. In 2016 totally 12 trainings were held on fight against discrimination. The purpose of the training was to improve the professional qualification. 264 representatives of all territorial units of Prosecutor’s Office went through the professional training course. In 2017 totally 13 training courses were organized on fight against discrimination. Through this program totally 257 representatives of territorial units and relevant structural units were trained. Unified training course on anti-discrimination was initiated starting from 2016. All prosecutors and investigators attend the training stage by stage. Within the framework memorandum on cooperation with ODHIR signed in 2017 minimum 4 training courses will be held annually for the employees of Prosecutor’s office on hate crimes. In 2016 totally 10 training courses were held on elimination of all forms of discrimination and hate crimes for the prosecutors and investigators of the prosecutor’s office. In 2017 totally 18 training sessions were held for prosecutors and investigators of Prosecutor’s office on elimination of all forms of discrimination and hate crimes, which also covered the topic of protection of religious minorities.

During the reporting period totally 16 activities were planned with the purpose of protection of right of religious minorities, out of which 9 activities were fully implemented, 3 activities were mostly implemented and 4 activities were partially implemented.

In order to strengthen secularism and religious neutrality the awareness activities for public servants were held. LEPL the State Agency for Religious Issues in cooperation with and support of Konrad-Adenauer-Stiftung South Caucasus implemented project: “Religious Tolerance and Secularism”. Totally 200 public officers participated in the training. Training covered 10 regions (Adjara, Guria, Imereti, Kakheti, Mtskheta-Mtianeti, Racha-Lechkhumi and Kvemo Svaneti, Samegrelo_Zemo Svaneti, Samtskhe-Javakheti, Kvemo Kartli, Shida Kartli).

Several activities were implemented for raising public awareness for the protection of rights of religious minorities: inter religious calendar was published by LEPL the State Agency for Religious Issues. This project unifies religious holidays of different religious communities in one calendar. LEPL the State Agency for Religious Issues in cooperation with the National Statistics Office of Georgia the religious maps were created, which is based on the results of 2014 population census and describes the religious diversity of Georgia and its regional coverage. In addition the electronic map of cultic buildings and monuments was prepared in 3D format. The State Agency for Religious Issues prepared social advertisement on religious tolerance within the framework of the Human Rights Action Plan, which was broadcasted by TV. Human Rights Unit in cooperation with the experts of the Council of Europe prepared recommendations for the prosecutors in order to support effective prosecutorial work with regard to crimes committed based on the motive of religious intolerance. Recommendation defines the norms of the Criminal Code of Georgia with regard to religious intolerance, cases of damages of religious buildings, legal qualification of verbal abuse and other important issues. In 2016 criminal prosecution started against 15 persons based on the religious intolerance according to the Prosecutor’s Office data. As for the statistics of criminal persecution for crimes

committed based on the religious motive in 2017 the criminal prosecution was initiated against 3 persons. LEPL the State Agency for Religious Issues prepared guidebook for the public servants – “Secularism and Religious Neutrality in Public Service” with the purpose to ensure the obligation of protection of religious neutrality. The guidebook creates strong basis for the purpose. In order to prevent crimes based on the motive of religious intolerance and effectively react to them relevant investigative units of the Ministry of Interior Affairs study and analyze the crimes committed due to religious intolerance by its location, social background, ethnic and cultural diversity. In 2017 the meetings was held with the Public Defender and the representatives of Religious Council at the Prosecutor’s Office. The information was provided to the representatives of different religious confessions about the statistical data of criminal prosecution for the crimes committed on religious intolerance during 2013-2017. The series of training are held for the employees of the Ministry of Interior Affairs on secularism and religious neutrality, prohibition of discrimination and characteristics of investigation of crimes committed on religious grounds. The trainings were held in Georgia: Tbilisi, Batumi, Telavi, Kutaisi and Zugdidi. Different programs on freedom of religious and belief are included in the curriculum of the Police Academy. The trainings are held for the prosecutors and investigators on prohibition of all forms of discrimination and hate crimes, which includes the issues of protection of religious minorities. The determination of historic (confession) ownership of cultic and religious buildings and monuments and transfer of those buildings are important aspects of protection of religious neutrality. The Commission on the Study of Property and Financial Issues of Religious Organizations is created at the Agency. Based on the Commission decision totally 170 mosques, both Shia and Sunni, returned to Muslim community since 2014. The religious buildings deprived during the soviet times were returned to the religious organizations, among which are 20 synagogues

returned to Jewish community, 2 to Evangelical Protestant Church, Lutheran Evangelical Protestant Church, Yezidi community of Georgia and other religious organizations of Georgia. The process of return of religious buildings continues.

During 2016-017 totally 45 activities were planned with regard to **protection of rights of disabled persons**, out of which 14 were fully implemented, 21 mostly implemented, 4 partially implemented and 6 activities remained not implemented at all. The following measures were taken during the reporting period to ensure the achievement of objectives determined in this chapter:

During the reporting period the Ministry of Justice created interagency working group with the purpose to review national legislation in order to support implementation of UN Convention on the Rights of Persons with Disabilities on national level. The working group drafted law on the rights of persons with disabilities and the work on the draft will continue in 2018.

During the reporting period the work on development of institutional mechanism responsible for the implementation of UN Convention on the Rights of Persons with Disabilities continued with the support of EU and UNDP joint Project Human Rights for All.⁸ During the first quarter of 2018 the government of Georgia based on the recommendation of international expert plans to develop institutional mechanism responsible for the implementation of UN Convention.

During the reporting period the working group was created by the Ministry of Labor, Health and Social Affairs with the purpose to reform assessment system of persons with disabilities. UNICEF provided technical support of the working group during this process. During the reporting period the expert working group created at the Ministry of Labor, Health and Social Affairs conducted 11 meetings. In 2016 the experts from Estonia visited Georgia in order to share Estonian model of assessment of persons with disabilities. The active work was performed for the assessment of functioning abilities and selection and improvement of classification instruments. The work on creation of registry of those diseases (ICD -10 – International Statistical Classification of Diseases) based on which individual assessment of functioning of a person will be performed and the status of person with disability identified is initiated in cooperation with medical associations and expert doctor-specialists of the Ministry.

Several activities were implemented during the reporting period in order to ensure voting right of persons with disabilities, including adapting the websites of the Central Election Commission and LEPL Electoral Systems Development, Reforms and Training Center according to the principles of universal design for the needs of blind persons and persons with vision impairments.

In addition, the Central Election Commission offered new services to deaf population and those living with other hearing ailments during the municipality elections in 2017. The deaf population of Georgia and those living with other hearing ailments after filling out special registration form on the official webpage of the Central Election Commission can connect through video call to the telephone/information center of the central

⁸Expert Final Report: <http://myrights.gov.ge/uploads/files/docs/5589ImplementationandMonitoringoftheNationalHRSandAP.GEO.pdf>

Election Commission and receive election information they need from operators in sign language.

In addition, it is important to underline that according to the data provided by the responsible institution during the Parliamentary Elections in 2016 totally 1115 (30.59%) election precincts out of 3645 (including 11 election precincts created in extraordinary cases) election precincts in 73 election districts were accessible for the voters with wheelchair and other physical impairments (simple adaptation – 534; ramp – 581).

The work with regard to this issue continued during the municipality elections in 2017 in order to improve the exercise of voting right by the persons with disabilities. According to the data provided by the responsible entity 1156 (31.72%) election precincts (simple adaptation -499 and ramp -657) were available in 2017 for persons with disabilities.

LEPL National Agency for Public Registry of the Ministry of Justice of Georgia and House of Justice implemented number of activities during the reporting period in order to create adapted environment and services for the persons with disabilities, in particular: with the assistance of EU and UNDP joint project Human Rights for All Tbilisi House of Justice was technically equipped. This ensured issuing of property certificate in Braille Alphabet. The decision form the registry of rights on immovable property is also issued in Braille Alphabet.

The electronic book of applications and rights of the LEPL National Agency for Public Registry (<https://naprweb.reestri.gov.ge>) was also adapted and blind persons and persons with vision impairments can find the application according to different categories through the sound program, "screen

reader". With the help of special "screen reader" it is possible for blind persons and persons with vision impairments to look for the information on <https://naprweb.reestri.gov.ge> according to the following categories:

- Registration number of application;
- Date;
- Name of a person/organization;
- Cadaster Code.

Special information webpage is created for the access to information, which is adapted for blind persons. The webpage is readable by the special screen reader. The webpage is adapted for the needs persons with vision impairments, which allows bringing the font closer.

During the reporting period the Ministry of Labour, Health and Social Affairs with the involvement of interested parties approved the early intervention service standards. On August 18, 2017 the Minister of Labour, Health and Social Affairs issued order № 01-188/O and approved minimum standards for the child early intervention services.

In 2016-2017 the geographic coverage of "Child Habilitation/ Rehabilitation" sub-program of the state program on "Social Rehabilitation and Child Care" has broadened. In 2017 six new organizations started the services in Tbilisi, Zugdidi and Batumi municipalities.

In 2017 under the subprogram on "Community Organizations" of the State Program on "Social Rehabilitation and Child Care" five new centers started the operation (3 centers for 12 beneficiaries in Tbilisi and 2 centers for 15 beneficiaries in Gurjaani) and implementation of component on providing persons with disabilities with family type independent living support services.

Special attention was paid during the reporting period to the support of employment of persons with disabilities and several projects were implemented:

Employment consultants provided to 519 disabled persons with the consultations in order to support their employment. It is important to underline that consultants were selected through open competition (Tbilisi -3, Batumi-2, Kutaisi-1, Tealvi -1, Gori-2, Lanchkhuti -1). Some of the consultants were trained in Great Britain, Education Development and Employment Center in Kutaisi and EU Twining Program.

Persons with disabilities were included in the state program on preparing and retraining as well as increasing qualification of the job seekers. During the reporting period more than 150 persons with disabilities and persons with special educational needs participated in the program.

The state program on supported employment services consists from the employment consultant support services component and ensuring subsidized jobs. Within the component of ensuring subsidized jobs the registry of those employers was identified and prepared that will ensure the implementation of subsidized job component. As a result of this in 2016 totally 12 organizations were involved in this component. These organizations provided subsidized jobs to 19 persons with disabilities. In 2017 totally 23 organizations provided subsidized jobs to 53 persons with disabilities.

The realization of right to education of persons with disabilities and persons with special educational needs are especially important.

In 2017 during the spring and fall admission the alternative approaches were provided during the professional testing. As a result of this totally 240 applicants with special educational needs were admitted in 22 professional educational institutions on 46 different professional educational programs.

In 2016 audio and video versions of 26 textbooks were prepared for blind persons and students with vision impairments admitted to professional educational programs in order to ensure them with training materials. In 2017 audio and video versions of 29 textbooks on professional education were prepared for students admitted at professional education programs with vision impairments and difficulty to read.

626 signs of three different professional terms (welder, electrician and technician of print industry) were added to Georgian sign electronic bank SignWiki in order to support education of professional students with hearing impairments.

In 2016-2017 totally 521 persons with disabilities and persons with special needs were admitted to the state education institutions implementing professional education programs. In 2016-2017 there were 155 graduates with disabilities and persons with special needs.

Fight against the crime of human trafficking is the main goal to be achieved. There were 11 activities planned with regard to fight against human trafficking during 2016-2017, out of which 8 were fully implemented and 3 mostly implemented. The effectiveness of fight against human trafficking in Georgia is approved by the Trafficking in Persons Reports of the US State

Department, which states that Georgia moved to Tier 1 for the measures taken by the country to fight against human trafficking and the same status was maintained in 2017. In addition, according to the report of the Group of Expert on Action against Trafficking in Human Beings (GRETA) published in June 2016 Georgia achieved significant progress since 2012 with regard to improvement of policy to fight against human trafficking. According to the international study “Global Slavery Index” of 2016 as a result of effective measures taken by Georgia in fighting against human trafficking and modern forms of slavery Georgia takes second positions in the World with regard to GDP, Georgia ranks number 17 in the world in unified rating and the first in the region.

The following measures were taken during the reporting period to ensure the achievement of objectives determined in this chapter:

During the reporting period there were no facts of trafficking revealed according to the information provided by the Georgian missions abroad. The Ministry of Foreign Affairs directly ensures protection of rights and legal interests of citizens of Georgia in those countries where Georgia does not have diplomatic mission (as well as accredited embassy).

Georgia has active cooperation with International Organization of Migration to ensure secured and voluntary return of victims of trafficking to their homeland/permanent places of residence. In 2016-2017 with the financial support of International Organization of Migration 5 victims (3 Uzbeks and 2 Ukrainians) returned to homeland.

The public awareness campaign for prevention of trafficking was actively conducted during the reporting period: in 2016-2017 within the framework of unified information campaign to fight against trafficking totally 159 meetings on illegal migration and trafficking were held in Georgia. The meetings were coordinated by the Ministry of Justice and active participation of State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking, International Organization of Migration in Georgia, Ministry of Labor, Health and Social Affairs, Ministry of Interior Affairs and Prosecutor’s Office. The target groups were students, pupils, teacher, local self-governing entities, non-governmental organizations, homeless children, employers and employees, IDPs, ethnic minorities and local population. Totally 2650 participants attended the meetings.

The Ministry of Foreign Affairs of Georgia for the prevention of human trafficking supports/disseminates information brochures on trafficking, illegal migration and basic human rights.

In 2016 totally 18 criminal case investigations on grounds of human trafficking was commenced, out of which 12 case investigations started as a result of proactively implemented measures. In 2016 criminal charges for human trafficking fact was brought against one person, 2 persons were acknowledged as victims and court found 4 people to be guilty. In 2017 totally 21 criminal case investigation was initiated and criminal prosecution started against 4 traffickers.

05

Rights of Internally Displaced Persons,
Migrants, and People Living on
Occupied Territories and Near the Dividing
Line of Occupied Territories

This part includes 5 chapters from the action plan, in particular: (14) Rights of Internally Displaced Persons-IDPs; (15) Rights of Migrants, Asylum Seekers and Asylum Status holders (16) Rights of Eco-migrants (17) Rights of Repatriates (18) Protecting the Rights of People Living on Occupied Territories and Near the Dividing Line of Occupied Territories.

There were 19 activities planned during 2016-2017 for the protection of rights of internally displaced persons-refugees, out of which 14 are fully implemented, 3 are mostly implemented and 2 activities were partially implemented.

Georgia continued active work during last year with regard to accommodation, access to education and healthcare, ensuring with livelihood and security guarantees taking into account the special condition of internally displaced persons, refugees, persons with humanitarian status and people living on occupied territories and near the dividing line of occupied territories.

One of the most important aspects of work of the Ministry of Internally Displaced Persons from occupied Territories, Accommodation and Refugees is providing long term housing solutions for refugees, providing them with livelihood and transformation from the status of refugee to the assistance mechanism needs. Ministry implements number of interesting initiatives with regard to this issue.

The procedures and criteria for providing refugees with long term housing solutions are regulated and supported with legal framework. As a result of this action the process is more transparent and targeted towards the needs. In 2016-2017 the Ministry rehabilitated 6 buildings in Tbilisi, Zugdidi, Kutaisi with the purpose to provide with long term housing

solutions and 1145 families were provided with apartments. In addition, 1319 individual houses were purchased and 9 apartments were redeemed from private owner. The Ministry also purchases accommodations from developers and contractor companies in newly constructed buildings where 1027 refugee families were housed for long term. It is important to underline that during the accommodation and announcement of tender such important issues are taken into account as the status of persons with disabilities and the refugees living in damaged buildings are priority.

In addition to providing refugees with individual housing the Ministry implements the project "Rural house". According to this project refugees have opportunity to select desired housing in villages, along with plot of land. This project provides refugees with long term housing as well as with access to land which might give them livelihood, income and opportunity to participate in different agricultural programs in case of land plowing. In 2016-2017 totally 1318 families were provided with the house through this program.

During this period the process of transferring legally occupied living space to the ownership of refugees has finished as a result of which 3758 families were provided with the living space.

It is important to underline that during the reporting period no facts of illegal eviction of refugees were noted unlike the challenges of previous years. The ministry supports those refugees who need temporary housing by subsidizing the rent and 4003 families used this service during last two years.

In addition to the measures targeted towards providing refugees with housing the Ministry pays special attention to informing refugees and

improving access to the livelihood. During the reporting period the Ministry visited regions more than 30 times in order to share the programs implemented by the Ministry and inform refugees about their rights. The main goal of the visits is the raising of public awareness of refugees and informing the representatives of municipalities about the specific needs of refugees. The information campaign was conducted using door to door method during which the volunteers personally visited and provided information to 12000 refugee families. The number of refugees involved in agro insurance after the information campaign has increased by 22.5%.

In 2016 the Ministry developed grant competition for the improvement of subsistence minimum of refugees. Totally 259 beneficiaries were funded out of which 50% are refugee women. Agricultural, as well as self-employment social initiatives were funded through this program. In 2016 the Ministry in cooperation with Food and Agriculture Organization of the United Nations (FAO) started the implementation of grant program funded by the European Union. As a result totally 976 agricultural projects and initiatives supporting economic activity in the villages were funded.

Support of vocational education of refugees is also one of the priorities of the Ministry. The Ministry assists refugees admitted to the public institutions of vocational training. In 2016-2017 in the framework of this initiative the Ministry provided with transportation and accommodation/rent to 481 socially vulnerable refugees.

In 2016 the Ministry started very important reform related to transformation from the status of refugee to the need of assistance mechanism. The World Bank study and analysis of social programs in different countries preceded the reform. The preparatory work, including collection and processing of data, was done at the initial stage of program.

The study of refugee accommodation needs and profiling of collective centers was done with EU assistance. The alternatives to the changes in the refugee subsistence allowance was developed in consultation with different state institutions, non-governmental organizations working with refugees and based on analysis. After the consultations ended the changes to the subsistence allowance were presented to the Government of Georgia, which will be submitted to the Parliament at later stage.

In 2016-2017 totally 33 activities were planned with regard to rights of migrants, asylum seekers and asylum status holders, out of which 19 were fully implemented, 8 mostly implemented, 2 activities partially implemented and 4 activities remained not implemented at all.

During last 2 years the measures to ensure improvement of rights of migrants, asylum seekers and asylum status holders the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees and the Ministry of Justice were targeted mainly towards the integration, education and improvement of legislation.

In 2016 the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees has developed 5 indicators of successful integration of refugees and humanitarian status holders: teaching of Georgian language; teaching of civic education; raising social-cultural awareness; creation of consultation services in order to include into the state programs, organization of cultural-awareness activities.

Georgian language curriculum (from 6 to 18 years) adapted for foreigners was introduced by the Ministry for the persons with refugee status. The course duration is one year and during last 2 years 85 students were admitted to the course, out of which 13 successfully completed the course.

The Ministry of Education and Science created webpage “Georgian as a Foreign Language”, which includes educational and additional materials according to the levels, which helps not only juveniles but also their parents.

In 2016 the work on acceptance of received formal education and acknowledgment of informal education has finished. The concept paper on acknowledgment of informal education and relevant methodology for piloting of acknowledgment was drafted for three programs: beekeeper, mechanic of agricultural equipment’s, specialist of IT technologies. In case of request the state funds vocational education of persons with humanitarian status and refugees.

In 2016 the state program on “Job seekers training and qualification enhancement” was introduced, the goal of which is to educate and train job seekers in professions required on job market and/or to provide with on job internship in order to support employment of job seekers. Integrated module teaching Georgian language was introduced for those who wish to receive professional education.

In 2016-2017 totally 4485 education vouchers were issued within the component of education-training and the full course was attended by 3934 job seekers. As of today 1085 job seekers are employed from graduates, out of which 21 are persons with disabilities.

The working group on integration issues was created based on consolidation of two working groups (integration of foreigners and reintegration issues) within the Government Commission on Migration Issues to support successful integration of foreigners and implementation of migration strategy. The changes to be made to the action plan and the

framework of activities targeted towards the integration of foreigners are discussed in the working group.

The state also actively works on reintegration of migrants returned to Georgia. The mobile centers of International Organization of Migration were successfully operating in Tbilisi, Kutaisi, Batumi and Telavi. In 2016 different integration assistance programs were funded for 275 migrants. Since 2017 the mobile centers of the International organization of Migration completed the funding of services supporting the reintegration of beneficiaries and the state became entirely responsible for the reintegration of migrants returned to Georgia. In 2016 and 2017 the Ministry announced 6 grant competitions for non-governmental organizations for the implementation of reintegration programs. According to the final monitoring of the state programs it was revealed that 93% of funds allocated for the state program were used by those regions and reintegration assistance services that are covered by the state. In the middle of 2017 this data reached 55.6%. Within the program of 2017 the regional coverage expanded to Imereti and Kakheti regions and the state program covered entire territory of Georgia.

The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia through the database created by the International Organization of Migration registers and processes data of beneficiaries involved in reintegration programs.

In 2017 after the law on International protection has entered the legal force the amendments and changes to the following by-laws were introduced:

1. „Shelter Procedures“;
2. „Form of acknowledgment of asylum seeker, the rule of issuing and changing“;

3. „The rule of placement at the admission center or accommodation at another location“;
4. „Taking fingerprints of asylum seeker and the rule of processing this personal data“;
5. The terms of keeping personal data processed based on the law on “International Protection”.

The problem of issuing travel documents for persons with humanitarian status has been eliminated and starting February 1, 2017 the travel documents with sticker are issued for persons with humanitarian status.

There were 4 activities planned with regard to eco migrants in the action plan for 2016-2017, out of which 3 were fully implemented and 1 partially implemented.

In 2016-2017 the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia worked on several important activities in order to strengthen legal and social protection guarantees of person displaced due to natural or technological catastrophes (eco migrants). One of the most important changes during this period is the creation of unified electronic data base of eco migrant families, where more than 5000 families are registered. In addition, the Ministry actively works on transferring accommodation in ownership of those eco migrants who have already settled. 311 eco migrant families received the house in ownership through direct sale rule (1 Georgian Lari) and the immovable property owned by the state was legally transferred in ownership of 96 families.

In 2016-2017 based on a decision of Regulatory Commission on “families affected by the natural disasters and subjected to resettlement” houses were purchased for 187 eco migrant families.

Non-governmental organization “Civil Development Agency” with the technical support of European Union and initiative of the Ministry implemented reintegration programs for eco migrant families living in Kakheti and Kvemo Kartli regions. Program includes three components: income generating, rehabilitation of infrastructure and advocacy. 72 small grants in the amount of 1000 Euros were issued within the framework of grant.

The chapter on the rights of repatriates in 2016-2017 included 1 activity, which was fully implemented.

In 2014 the government of Georgia approved by its order N1671 the state strategy on Repatriation of Persons Internally Displaced by the Soviet Socialistic Republic of Georgia in the 1940s of the 20th Century. After the adoption of strategy and based on the improvement of legal system it has become available for the people wishing to be repatriated to apply to the government. In 2017 report of the Council of Europe Parliamentary Assembly Monitoring Committee visit to Georgia,⁹ clearly speaks about the steps made forward by the country and acknowledges the obligations taken by Georgia before the Council of Europe to protect the right of repatriates.

⁹To see the report please visit <http://website-pace.net/documents/19887/3136217/AS-MON-2017-16-EN.pdf/d4fa400b-516b-4632-8070-d3bd9237ceea>

In 2016-2017 totally 24 activities were included with regard to protection of rights of people living on occupied territories and near the dividing line of occupied territories, out of which 14 were fully implemented, 6 were mostly implemented and 3 activities were partially implemented and 1 activity remained not implemented at all.

Taking into account the sensitivity and complexity of the issue the state tries its best to improve the human rights conditions of people living on occupied territories and near the dividing line of occupied territories. The state program includes improvement of infrastructure, as well as support of education and healthcare, important measures are implemented by informing international partners and peaceful negotiations.

The Ministry of Interior Affairs, as well as the State Ministry for Reconciliation and Civic Equality uses all available international platforms to disseminate information about the illegal actions of Russian military troops, including barbed wire fences and other illegal barriers and violations of human rights. The state is actively involved in all important formats related to this problem, in particular Geneva International Discussions and Incident Prevention and Reform Mechanism (IPRM). It is important to underline that the office of the State Minister before the above mentioned meetings meets with the people living near the dividing line of occupied territories to learn more about their needs from the first source.

The state allocates significant resources in order to improve infrastructure close to the dividing line. During the reporting period 62 villages and 13913 beneficiaries were provided with the natural gas. In addition the clean drinking water is provided and 12 villages (10 in Gori municipality and 2 in

Kaspi municipality) were equipped with new water wells, reservoirs and chlorine machines. “Energo Pro Georgia” provided the rehabilitation of network in 43 villages near the diving line and installed new meters.

LEPL National Agency of State Property implemented inventory project in the villages near the border line, the goal of which is to create unified, correct, transparent and accessible information data base of immovable property in the possession of the Agency. Within the framework of this project around 803 agricultural land plots were revealed in the villages near the dividing line, the area of which is 4784 hectare and 124 nonagricultural plot of land, the area of which is 926 hectare. In addition 1113 hectare of 299 agricultural plot of land and 561 hectare of 198 nonagricultural lands was registered in the villages near the dividing line.

The Community Centers under the Public Service Development Agency of the Ministry of Justice were opened near the dividing line in order to improve the access to the public service. The population near dividing line is able through the Community Centers to use more than 200 services of public or private organizations without leaving the village. During the reporting period the Agency issues 39310 ID cards and 27947 passports to the people registered on the occupied territories of Georgia. In addition 83 neutral ID cards and 11 neutral travel documents were issued.

Government of Georgia In order to ensure access to healthcare continues to build and equip new outpatient clinics near the dividing line. Citizens of Georgia residing on the occupied territories can receive free of charge qualified medical assistance in any medical institution on the territory of Georgia controlled by the central government. Citizens of Georgia residing on the territory of Autonomous Republic of Abkhazia and Tskhinvali and

persons without citizenship permanently living in Georgia, despite the possession of ID card or other official papers are beneficiaries of the state healthcare programs “referral services”, “emergency and medical transportation”.

During last 2 years the outpatient clinics in 23 villages close to the occupied territories were equipped. 20 outpatient clinics close to border line villages were equipped with medical and office inventory. The medical center was build and equipped with medical inventory in Gori municipality village Tkviavi, which started operation in 2017. During the reporting period 3696 persons living on occupied territories applied to the government with the request to use referral services. This number is twice more comparing to the data of previous years.

Government of Georgia tries to create special conditions for the teachers and pupils living on occupied territories and to establish maximum benefits for the students. Based on the decision of the temporary

government commission on responding to the needs of people living in villages near the dividing line the funding of education of students living near the dividing line continues. 2893 students were funded based on the Commission decisions for 2015-2016 and 2016-2017 school years. The government of Georgia within the framework of program „1+4“ allows persons living on occupied territories to be admitted and to study at the higher educational institutions in the country through the simplified procedures. In addition, the education fee of 2765 students at bachelor’s and master’s degree programs at accredited educational programs in 2016-2018 was funded.

It is important to underline that the government of Georgia uses actively all diplomatic, political and legal mechanisms available to it in order to mobilize support of international community to ensure improvement of security, protection of human rights and humanitarian aid in the regions of Abkhazia and Tskhinvali and close to the occupied line.

06

Other Human Rights Related Issues

The following activities were implemented during the reporting period with regard to **business and human rights**:

The coordination group was created based on the initiative of the Human Rights Secretariat of the Administration of Government. The purpose of this group is to conduct national baseline study with regard to business and human rights. The members of the coordination group along with the Human Rights Secretariat are the representatives of the Public Defender's Office and non-governmental organization Civil Development Agency.

The Human Rights Secretariat along with the representatives of the Public Defender's Office and the Civil Development Agency conducted trainings on business and human rights for the designated persons from different institutions. The experts from Danish Institute for Human Rights were invited to conduct the training. The training was supported by the East-West Management Institute (EWMI) ACCESS project with the support of United States Agency for International Development (USAID) and the Danish Institute for Human Rights.

In addition to the above mentioned the members of the coordination group conducted workshop with the experts of Danish Institute for Human Rights, the purpose of which was to agree on the methodology and concept of the study.

The study was completed in the fall of 2017. The document included the analysis of legislation and practice along with the human rights related issues. The presentation of the study was organized on December 4, 2017.¹⁰

Three years action plan on business and human rights was drafted based on the national baseline study on business and human rights. The draft action plan was submitted for review and commentaries to the non-governmental organizations, international organizations and Public Defender's Office. The chapter on human rights and business was agreed with the participation of civil society and it was later included in the Human Rights Action Plan as chapter 25. The purpose of this chapter is to ensure support for free entrepreneurship and includes 28 activities for this purpose.

¹⁰Additional information about the presentation is available at: <http://myrights.gov.ge/ka/news/1133-biznesisa-da-adamianis-uflebebis-sheaxe>



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