



**Fifth Periodic Report of Georgia on the Implementation of International Covenant on Civil and  
Political Rights**

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## **Introduction**

1. This is the 5<sup>th</sup> Periodic Report of Georgia on the implementation of the International Covenant on Civil and Political Rights (hereinafter – the Covenant) prepared under Article 40 of the Covenant.
2. The aim of the report is to provide information to the Human Rights Committee (hereinafter – the Committee), on the measures taken by Georgia for the implementation of the civil and political rights set forth in the Covenant. It covers the period following the submission of the 4<sup>th</sup> Periodic Report of Georgia.
3. The Report was drawn up considering the Guidelines for the Treaty-Specific Document to be Submitted by State Parties under Article 40 of the Covenant (CCPR/C/2009/1) as well as Concluding Observations of the Committee on the 4<sup>th</sup> periodic report of Georgia.
4. The first part of the Report contains information on the issues related to the implementation of the Concluding Observations of the Committee. The second part of the Report provides additional information on the realization of rights defined in the Covenant. The Report also describes the grave human rights situation in the occupied territories of Georgia.
5. All line ministries, relevant agencies, the judicial and legislative authorities participated in the preparation of the report. The process was coordinated by the Ministry of Foreign Affairs. In particular, the following agencies participated in the preparation of the report: Human Rights Secretariat of the Administration of the Government, Inter-agency Commission on Gender Equality, Violence against Women and Domestic Violence, Ministry of Justice, Ministry of Internal Affairs, Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, Ministry of Foreign Affairs, Ministry of Education, Science, Culture and Sport, Ministry of Defence, Ministry of Finance, the Office of the State Minister of Georgia for Reconciliation and Civic Equality, State Agency for Religious Issues, Central Election Commission, the Office of the Supreme Court of Georgia, General Prosecutor's Office, Office of State Inspector, the Parliament.
6. The draft report was presented to the Office of Public Defender, NGOs and international organizations for their comments and suggestions. According to the new regulations, the final report was submitted to the Parliament for its review. As a result of this process, relevant amendments and additions have been made to the Report.

## **I. Response to the Committee’s Concluding Recommendations**

### **Recommendation 5 – Implementation of the Views of the Committee**

7. In 2016, amendments were made to the Civil, Criminal and Administrative Procedure Codes to ensure effective implementation of views/recommendations adopted by the human rights mechanisms established under the UN human rights instruments, namely, Human Rights Committee, Committee on the Elimination of Discrimination against Women, Committee on the Rights of the Child, Committee against Torture and Committee on the Elimination of Racial Discrimination.

8. It is noteworthy that the new regulations concerning claims for compensation also apply to persons who, prior to the adoption of the legislative amendments, were considered eligible for the mentioned state compensation by a treaty-based body.

9. It should be noted that based on the abovementioned legislative amendments, the applicants have already applied to national courts. One of these cases, namely, the case of *Ratiani vs Georgia* has already been enforced while the execution proceedings are underway on two cases: *X and Y vs Georgia* (Communication №24/2009, the View of Committee on the Elimination of Discrimination against Women of 13 July 2015) and *J.Ch. and J.E. vs Georgia* (Communication №573/2013, the View of the Committee against Torture of 12 May 2017) and various individual and general measures are being undertaken to ensure their effective execution. In each case, the national courts determined financial compensations for moral or material damages suffered by claimants.

### **Recommendation 6 – Anti-Discrimination Legislation**

10. According to the Law of Georgia on the Elimination of all Forms of Discrimination, adopted on 2 May 2014, elimination of discrimination and ensuring of equality is monitored and controlled by an independent body – the Public Defender of Georgia. In order to ensure effective fulfilment of the new tasks assigned by the law, the Office of Public Defender of Georgia has established a structural unit - the Department of Equality. At present, the Department of Equality employees five civil servants on a permanent basis and one lawyer within the scope of UN Women’s project.

11. To ensure effective implementation of its objectives, the budget of the Office of Public Defender has increased by 268% since 2014. In particular, the approved budget of the Public Defender’s Office amounted to GEL 2.380 million in 2014; GEL 4 million in 2015; GEL 4.5 million in 2016; GEL 4.8 million in 2017; GEL 5.5 million in 2018 and GEL 6.4 million in 2019.

12. The Public Defender of Georgia receives and considers applications and complaints from those natural or legal persons considering themselves as victims of discrimination. In the event of sufficient evidence of discrimination, the Public Defender may issue a recommendation to a relevant organization or natural person to restore the rights of a victim of discrimination. Although recommendations of the Public Defender are not binding, the recommendations concerning discrimination may be enforced via courts. If public agencies fail to respond to or fulfil abovementioned recommendations, the Public Defender may file a complaint in a court and request the implementation of its recommendation.

13. It should be noted that on 2 May 2019, the Parliament adopted significant amendment to the Organic Law of Georgia on Public Defender of Georgia, granting the Public Defender of Georgia the power to apply to a court if a legal entity or any other entity of private law failed to respond to or to consider its recommendation. As per the amendments, the Public Defender was also authorized to request through courts the enforcement of their recommendations addressed to legal persons of private law.

#### *Legal remedies*

14. Regional (city) courts of Georgia consider cases of discrimination under criminal, civil and administrative proceedings. Information about the number of cases considered during the period of 2016-2018, is provided in the annex (see Annex 1).

#### *Awareness raising*

15. Since 2016, the LEPL Training Centre of Justice of Georgia has been organizing country-wide trainings, including in cities and towns populated by ethnic minorities, in order to provide information and raise awareness of various target groups of society on anti-discrimination legislation.

16. In 2016-2018, the Centre carried out a large-scale awareness-raising campaign, including trainings and public lectures, in various regions of Georgia. Furthermore, booklets on the topic of discrimination were produced in Georgian, Ossetian, Abkhazian, Armenian, Azerbaijani and Russian languages. Detailed information in this respect is provided in Annex 2.

### **Recommendation 7 – Gender Equality**

#### *a) Gender equality: strategies, awareness raising campaigns*

17. In June 2017, based on the Government Decree, Inter-agency Commission on Gender Equality, Violence against Women and Domestic Violence was established. Members of the Inter-agency Commission are deputy Ministers and it is co-chaired by the Advisor to the Prime Minister of Georgia on Human Rights and Gender Equality Issues and the Deputy Minister of Justice.

18. This institutional mechanism carries out the function of a coordinating agency defined by the Istanbul Convention, facilitates effective implementation of tasks assigned to the state agencies in the field of prevention and elimination of violence against women and coordinates relevant agencies. The Inter-agency Commission aims at implementing the Government policy directed towards supporting the eradication of existing stereotypes and attitudes and increasing public awareness.

19. In April 2018, the Government of Georgia adopted the National Action Plan for the Protection of Human Rights (2018-2020) which includes a separate chapter: Gender Equality and Women's Empowerment. Furthermore, the following documents have been adopted:

- National Action Plan on Combating Violence against Women and Domestic Violence and Measures to be Implemented for the Protection of Victims (Survivors) for 2018-2020,

- 2018-2020 National Action Plan of Georgia for the Implementation of the UN Security Council Resolutions on Women, Peace and Security.

20. It should be noted that the Inter-agency Commission, with the support of the UN Women, has developed National Communication Strategy on Violence against Women and Domestic Violence and its Action Plan 2018-2020. These documents facilitate coordinated and efficient work of responsible bodies and implementation of integrated state policy for the prevention of violence against women and domestic violence.

21. It is worth to note that the planning of state policy was based on the key findings of relevant studies as well as on the Public Defender's recommendations. The results of consultations with representatives of civil sector were taken into account.

22. State entities intensively conduct thematic information meetings with population, including campaigns to raise awareness of the society on violence against women and domestic violence. As a result of undertaken measures, there is a significant increase in the reporting to the law enforcement agencies over the past years. The survey jointly conducted by the UN Women and the National Statistics Office of Georgia in 2017 demonstrates the following: compared to the results of a similar survey in 2009, the youth holds less discriminatory attitudes; the number of women staying with offender husbands decreased; a level of awareness of society about public services has raised; and the number of reporting to the police increased.<sup>1</sup>

23. In 2014, the Gender Equality Strategy was approved and the gender equality monitoring group and the institute of gender advisor were established in the Ministry of Defence. The UN Security Council Resolution 1325 on Women, Peace, and Security and on gender equality have been mainstreamed in all curricula for career training of officers and sergeants as well as in pre-deployment training programs of peacekeeping operations. It should be noted that the military personal undergo pre-deployment and post-deployment psychological screening and rehabilitation programs.

24. For further information on the awareness-raising activities on domestic violence as well as campaigns for the prevention of violence see the response to recommendation 9.

*b) Increase of representation of women in the decision-making positions*

25. A number of steps have been undertaken since 2015 to introduce mandatory gender quotas in the Parliament and the party lists. However, these initiatives have not translated into the legislative reforms. The latest initiative of June 2017 spearheaded by several women's rights groups to introduce a mandatory 50% quotas for women on proportional lists of political parties for parliamentary and local elections mustered signatures of 37000 citizens. However, a draft law on mandatory quotas did not receive the sufficient number of supporters in 2017.

*c) Equal pay*

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<sup>1</sup> [<http://georgia.unwomen.org/ka/digital-library/publications/2018/03/national-study-on-violence-against-women-in-georgia-2017>].

26. Under the EU-Georgia Association Agreement, Georgia committed itself to gradually approximate the Georgian legislation to the EU legislation and the relevant work in this direction is underway.

*d) Sexual Harassment*

27. On 19 February 2019, amendments were introduced into the Law of Georgia on the Elimination of All Forms of Discrimination, which prohibits discrimination on any grounds in Georgia. Based on these amendments, definition of harassment and particularly, sexual harassment was added to the law and accordingly, the sexual harassment became punishable.

28. Furthermore, Gender Equality Council of the Parliament of Georgia has initiated amendments to the Labour Code of Georgia to regulate the issue of sexual harassment in labour relations. Although, the Labour Code generally recognizes the term 'harassment', as one of the elements of general definition of discrimination, it did not contain the definition of the sexual harassment. Pursuant to the package of amendments which entered into force on 3 May 2019, sexual harassment shall be regulated in labour relations.

29. On the same day, the Code of Administrative Offences was amended to define a sexual harassment as an administrative offence and to determine corresponding administrative penalties.

*d) Combating early marriage*

30. According to the Georgian legislation, the early marriage is prohibited. According to the legal amendments of the Civil Law Code of 16 December 2015, the marriage age is 18 without any exceptions. The new regulation of marriage has been in force as of 1 January 2017.

31. Considerable changes were made to the civic education program when revising a national curriculum. The civic education component was enhanced as a result of the revision. A 'citizenship' curriculum, with the topic of early marriage integrated into it, has already been approved.

32. In 2015-2016, the Ministry of Education and Science of Georgia<sup>2</sup> implemented a Parent Education and Involvement subprogram; one of strategic directions of the subprogram envisaged the awareness-raising of risks of early marriage among parents. Information meetings were regularly conducted with parents of schoolchildren in the regions where the facts of the early marriage were particularly frequent.

33. Upon the initiative of the Inter-agency Commission on Gender Equality, Violence against Women and Domestic Violence, and the UNFPA office in Georgia, a special working group on issues of early/child marriage has been working for three years now; the mission of this group is the strategic planning of measures for the prevention and elimination of harmful practices of early/child marriage in the country and to facilitate a coordinated activity of various stakeholders. The group consists of representatives of relevant government entities, members of UN gender group

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<sup>2</sup> As a result of structural changes in the Government in June 2018, the Ministry of Education and Science was merged with the Ministry of Culture and Sports.

(international and donor organizations), representatives of the Public Defender's Office as well as non-governmental organizations working on the topic of early/child marriage.

34. Based on the findings of a qualitative study of early/child marriage and the results of interviews with key stakeholders, a communication strategy oriented on behavioural impact for early/child marriage (COMBI) was developed in cooperation with the UNPFA and the UNICEF.

*e) Combating the practice of sex-selective abortions*

35. The Order №01-74/n of 7 October 2014 of the Minister of Labour, Health, and Social Affairs of Georgia<sup>3</sup> on the Approval of Rules of Artificial Termination of Pregnancy has determined the rules of pre-abortion consultation, in order to ensure full information of the patient on the possible complications of abortion. The same Order contains a provision prohibiting the sex-selective abortion: "Artificial termination of pregnancy shall not be allowed for the purpose of choosing sex of a future child, except when serious hereditary sex-related disease is to be avoided."

36. In 2017-2018, to raise awareness of medical community about the prevention of sex selection, the Ministry and the UNFPA, in a joint effort, produced and disseminated a booklet and a communication manual for the medical personnel.

**Recommendation 8 – Discrimination on the Grounds of Sexual Orientation and Gender Identity**

*Combatting crimes on the ground of discrimination and hate crimes*

37. Legislative amendments to the Criminal Code of Georgia were submitted to the Parliament of Georgia in 2018, whereby a crime on the ground of gender becomes an aggravating circumstance.

38. In January 2018, the Ministry of Internal Affairs of Georgia (MIA) established a Human Rights Protection Department. One of the main aim of the Department is the monitoring of investigations into the hate crimes and the quality of administrative proceedings on administrative offences. As a result of the monitoring conducted by the Department and a joint work of structural subunits of the MIA, the identification of discrimination as a crime motive in criminal cases has increased in 2018. The successful activity of the Department led to the enhancement of its mandate in 2019 and now, the Human Rights Protection and Quality Monitoring Department also monitors the quality of investigations into crimes against life and health of people.

39. Criminal proceedings for hate crimes were initiated against 44 individuals in 2017. In 2018, 151 individuals were prosecuted for hate crimes/crimes on the ground of discrimination, including 12 persons for discrimination on the ground of gender identity and 15 persons for discrimination on the ground of sexual orientation (See further Annex 3).

40. The 2018 statistics demonstrates the rise in the awareness of hate crime among investigators and the improvement of the identification technique of the motive during investigation.

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<sup>3</sup> As a result of structural changes in the Government in June 2018, the Ministry of Internally Displaced Persons from Occupied Territories, Accommodation and Refugees merged with the Ministry of Labour, Health, and Social Affairs.

41. The Ministry is engaged in an intensified cooperation with the Council of Europe to improve statistics of crimes committed on the ground of discrimination. As a result of this cooperation, the events on the occasion of the International Day against Homophobia and Transphobia (May 17<sup>th</sup>) were conducted in a peaceful environment in 2017 and 2018. The Offenders during these events were instantly detained and held accountable.

42. Currently, the Government is working on elaboration the chapter of Equality to include it in the new Human Rights Action Plan for 2020.

#### *Raising qualification/trainings*

43. Considerable attention is paid to the awareness-raising of law enforcement personnel. In 2018, guidelines for the investigation of crimes on the ground of discrimination were developed to help the relevant subunits to detect and duly investigate crimes. A manual was prepared for investigators, containing the instruction on interviewing/questioning potential victims, offenders and witnesses of hate crimes. Accordingly, the process of specialization of investigators in this area has started. In 2018, the Council of Europe's manual on the implementation of police measures to prevent hate crimes against LGBT persons was translated.

44. In 2018, up to 50 investigators were retrained within the scope of a three-day training course on crimes on the ground of discrimination. A separate special module "Prevention of discrimination and gender equality" was integrated into a special vocational training for district inspectors. A module, "Discrimination and gender equality," has also become an integral part of the educational program of special retraining course for a career promotion of employees of the Patrol Police Department of the MIA.

45. The Academy of the MIA teaches a module on discrimination within all basic and retraining courses. The module includes international and Georgian anti-discrimination legislation. Over 6,500 police officers undertook the module during the period from July 2014 through December 2018.

46. In 2018, the Academy of the MIA enhanced its program by adding a new module on vulnerable groups, which aims to raise awareness of Police officers on different groups, including sexual minorities. The module is integrated into a training program for community police officers and contains various topics such as: main concepts related to gender identity and sexual orientation, discrimination and stereotypes, ways of combatting discrimination and stereotypes, non-discriminatory communication strategies. The module on vulnerable groups was undertaken by 66 police officers in 2018.

47. In 2018, the Prosecutor's Office (POG) carried out specialization of prosecutors. Selected prosecutors undertook intensive retraining courses and they will work on hate crimes. The specialization of prosecutors will continue in 2019 and will cover all territorial units of the POG of Georgia.

48. In 2016, with the support of the Council of Europe, a recommendation was elaborated for prosecutors regarding the application of Article 53<sup>1</sup> of the Criminal Code of Georgia as an aggravating circumstance of criminal liability; this helped to identify and substantiate hate crimes.

49. In 2017, aiming at the effective implementation of the recommendation elaborated for prosecutors on hate-motivated crimes, a special questionnaire was elaborated, containing the instruction on conducting interview/interrogation of a possible victim, defendant and witness of a hate crime. The POG employees were acquainted with questionnaire, which resulted in the improvement of the quality and efficiency of the measures taken for identifying hate motives in criminal cases (see Annex 3 for statistics on investigations and prosecutions of hate crimes).

50. Furthermore, in cooperation with the Council of Europe, the Prosecutor's Office of Georgia conducted, through HELP platform, the first ever online course on the prohibition of discrimination. This three-month course was successfully undertaken by 20 prosecutors.

51. During the period of 2015 and 2018, 57 educational activities were conducted on the subject of combatting all forms of discrimination and effective investigation of hate crimes; 1,101 employees of the Prosecutor's office were retrained.

#### **Recommendation 9 – Domestic Violence and Corporal Punishment of Children**

##### *Awareness raising campaigns*

52. Combatting violence against women and domestic violence remains one of the important priorities of the Government of Georgia, which is demonstrated by various systematic and legislative reforms implemented during the recent years.

53. The Inter-agency Commission on Gender Equality, Violence against Women and Domestic Violence, with the support from the UN Women and the EU, has developed and adopted National Communication Strategy on Violence against Women and Domestic Violence and its Action Plan. For the purpose of effective implementation of the Communication Action Plan, with the support from the UN Women, Standing Communication Working Group has been established under the Inter-agency Commission.

54. As a result of the effective work of the communication group, a 16-day-long common government campaign against gender violence was planned and implemented during the period of 25 November - 16 December 2018; "Combatting violence against women and domestic violence remains a priority of the government of Georgia" - was the main message of the campaign. Within the scope of the campaign, over 50 governmental events were conducted with the support of the UN Women and the EU. The campaign of the Inter-agency Commission was joined by more than 50 local municipalities. The government campaign involved informational and educational as well as sport and cognitive events, street actions, etc.

55. The MIA website displays information about the legal mechanisms available against domestic violence. It also publishes the information about the MIA hotline 112 and counselling hotline 116-006 for victims of domestic violence and citizens.

56. Among campaigns conducted by the State, noteworthy is the awareness raising campaign "Act on" carried out by the Justice Ministry during February-November 2017. The main aim of the campaign was the provision of information to the population and their engagement in the fight against violence. Within the scope of the campaign, a website [<http://imoqmede.ge/>] was launched to facilitate the engagement of population in the campaign against violence and to enable the victims or witnesses of violence to report on the problem, in the form of anonymous letters to the

Ministry of Justice. Within the scope of the social campaign, free trainings were conducted covering 78 groups with the total of 886 participants. The MIA started the project “Supporting the MIA in Combatting Domestic Violence” and the social campaign “Power to Trust.” Along with other important events conducted within the scope of the project, meetings were periodically organized with representatives of various government entities and local self-governments in the different regions to improve coordination. To raise awareness of and prevent violence against women and domestic violence, the Prosecutor’s Office conducted various activities within the framework of its projects “Local Council” and “Public Prosecution” in all regions of Georgia in 2016-2017. The LEPL State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking conducted an “Open Your Eyes” campaign in order to inform the population on a nationwide consultation hotline against violence (116-066). A website [[www.sheachere.ge](http://www.sheachere.ge)] was launched within the framework of the project. Using web camera and eye movement identification technology, the website stops or continues the scene depicting domestic violence.

57. In parallel to formal education, thematic competitions are regularly conducted to raise awareness of school students about all types of violence, including on the ground of gender and violence against women and children.

58. The Office of the Prosecutors continues to apply strict criminal law policy against persons charged with the domestic violence. With the improvement of the quality of prosecutorial supervision, the number of applications of victims of domestic violence has significantly increased resulting in increased number of criminal prosecutions. In 2014, criminal prosecution was initiated against 550 persons, in 2015 this number increased to 1066, in 2016 to 1,356, in 2017 to 1,986 and in 2018 to 3,955.

59. As regards general statistics on the identification of gender discrimination as a crime motive, criminal prosecutions on the ground of gender discrimination were instituted against 3 persons in 2016, against 25 persons in 2017 and against 111 persons in 2018.

#### *Effective enforcement of legislation and protection of victims*

60. On 5 April 2017, Georgia ratified the Council of Europe Convention on Preventing and combating Violence against Women and Domestic Violence (Istanbul Convention) which came into force on 1 September 2017.

61. To bring the national legislation in line with the Istanbul Convention, significant legislative changes to up to 30 legislative acts were drafted in two waves, in 2014 and 2017, with the involvement of the Ministry of Justice; these amendments came into force on 14 November 2014 and 1 July 2017, respectively.

62. The amendments were introduced into the Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence, broadening the scope of regulation of the Law to include violence against women committed outside families.

63. Under the new regulations, restraining and protective orders may be applied in any case of violence against women and there is no longer a need to submit a restraining order issued by police to a court for its entry into force.

64. The new crimes, such as: female genital mutilation, stalking and forced sterilization were added to the Criminal Code of Georgia.

65. On 22 June 2018, additional legislative changes came into force, restricting rights relating to weapons as an additional penalty under the Criminal Code. It is important to underline that following the changes, when applying this restriction as an additional penalty a weapon must not be necessarily an object in crime or intended for perpetrating a crime. Furthermore, when launching and conducting investigation into domestic violence and family crimes, it has become mandatory for a police officer to issue a restraining order and indicate the restriction on the use of weapon in it.

66. The Ministry of Defence has been integrating issues of domestic violence in programs of psychological assistance to military personnel. Following the training of psychologists of the Ministry in the topic of domestic violence, these issues were integrated into programs of psychological assistance to military servicemen of peacekeeping missions both before the deployment and after the return from missions.

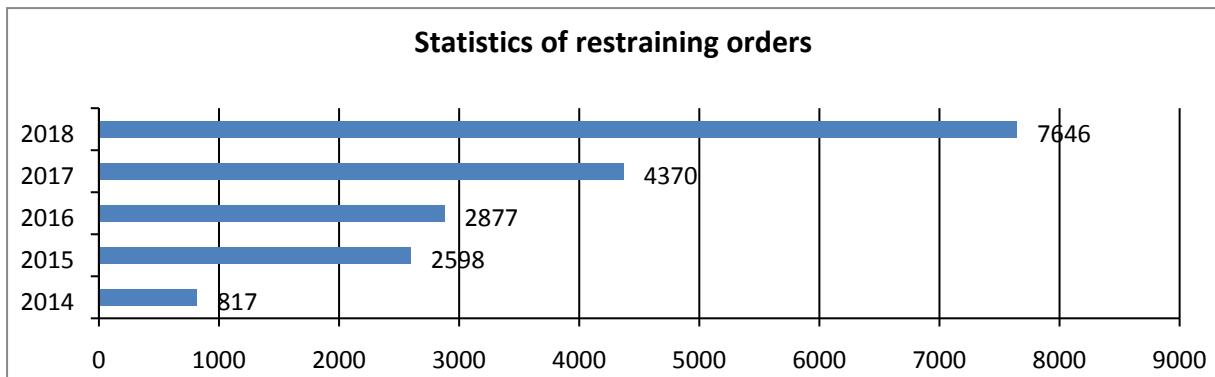
67. On 20 September 2019, the Parliament of Georgia adopted an amendment to the “Law of Georgia on Violence against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence” solidifying the guarantees for the protection of victims, as well as creating effective monitoring mechanisms for the effective enforcement of protective and restraining orders. The purpose of the amendment is to improve the regulatory legislation in the relevant field and to define the adequate measures of responsibility for the cases of violence against women and domestic violence.

#### *Responding to facts of violence*

68. Violence against women and domestic violence is one of the priorities of the MIA. The MIA immediately responds to each fact of violence, strictly controls the quality of actions, takes measures for enhancing qualification of its employees through trainings, cooperates with other entities and carries out intensive preventive measures.

69. The MIA ensures 24-hour operation of the 112-hotline throughout Georgia. Once violence is reported, the relevant team goes out to a scene of incident. When establishing the fact of violence, a police officer has a discretionary power, if necessary, to issue a restraining order to protect safety of a victim and prevent a repeated violence. Following the legislative amendment in 2017, a restraining order is valid upon the issuance without further need to obtain approval from a Court.

70. A restraining order implies the restriction of certain rights of an offender. The failure to perform the requirements of the order is punishable under Article 381<sup>1</sup> of the Criminal Code. When signs of crime are detected on the scene of incident, in parallel to the issuance of restraining order, an investigation is initiated under Article 126<sup>1</sup> or under the other Articles related to domestic violence.



71. Under the Order No. 726 of the Minister of Interior of 20 September 2014, the Commission for Prevention of and Effective Response to the Domestic Violence of the MIA was established to study adequacy of police response to the facts of domestic violence and to inquire into violence committed against women by family members.

72. In January 2018, as noted above, the Human Rights Protection Department was established in the MIA to investigate facts of domestic violence, violence against women, crimes on the ground of discrimination and intolerance, trafficking, crimes committed against/by minors as well as to monitor the quality of administrative proceedings on administrative offences. With the establishment of this Department, the above-mentioned Commission was abolished.

73. In March 2018, the MIA, with the support from the UN Women, developed an instrument of assessing the risk of violence against women and domestic violence as well as a monitoring mechanism of restraining orders.

74. A risk assessment instrument facilitates early prevention of violence and determination of a threat of repeating the violence. The risk assessment instrument is a special questionnaire integrated into the minutes of a restraining order, which is necessary to fill in at the time of response to an incident. Answers of the questionnaire are awarded scores and the sum of these scores allows identification of three levels of risk expected from an offender: high, medium, and low risk. In accordance with a level of risk established through the questionnaire, monitoring of the fulfilment of the requirements of an issued restraining order is carried out. Monitoring implies communication with a victim and an offender through phone as well as visits to the living place with the appropriate intensity that corresponds to the risks.

75. The risk assessment and monitoring of performance of restraining orders were approved by the Decree of the Minister that came into force on 1 September 2018. The failure to observe the requirements of the Ministerial Decree entails a disciplinary liability. A distance learning course for the application of the above instrument was developed in cooperation with the Academy of the MIA (MIA Academy) and was undertaken by 20,000 police officers.

76. In parallel to the introduction of risk assessment instrument, the work is underway on the initiative of introducing a system of electronic monitoring of offenders. Control of movement of offenders by means of electronic monitoring (bracelet) will significantly contribute to the protection of life and health of victims and supervision of the performance of restraining orders.

*Services for victims of violence against women and domestic violence*

77. LEPL State Fund for Protection and Assistance to (Statutory) Victims of Human Trafficking (hereinafter – the State Fund) offers various services to victims/statutory victims and alleged victims of violence against women and domestic violence.

78. During 2014-2019, geographic area of accessibility of state services for victims of violence has expanded and currently, 5 shelters and 5 crisis centres operate under the State Fund:

- Tbilisi Institution for the Service of Victims of Trafficking and Domestic Violence (shelter), was opened in 2010;
- Batumi Institution for the Service of Victims of Trafficking and Domestic Violence (shelter) (if required, provides services to victims of violence against women and/or domestic violence/affected persons statutory victims along with the dependents), was opened in 2006;
- Gori Institution for the Service of Victims of Violence (shelter and crisis centre); Shelter was opened in 2010 and the crisis centre – in January 2018;
- Kutaisi Institution for the Service of Victims of Violence (shelter and crisis centre); Shelter was opened in 2014 and the crisis centre – in 2017;
- Sighnaghi Institution for the Service of Victims of Violence (shelter), was opened in 2016;
- Tbilisi Crisis Centre for the Service of Victims of Violence, was opened in September 2016;
- Ozurgeti Crisis Centre for the Service of Victims of Violence, was opened in December 2018;
- Marneuli Crisis Centre for the Service of Victims of Violence, was opened in February 2019.

79. Within the shelters or crisis centres, the State Fund provides the following services to victims/statutory victims/alleged victims of violence against women and domestic violence (along with their dependent(s)):

- Psychological-social assistance/rehabilitation;
- Organizing/receiving medical service;
- Providing Legal assistance (including legal representation in a court and in law enforcement agencies);
- Interpreter's services, if required;
- Promoting reintegration in a family and society and other services;
- Daily accommodation in the shelter (only for victim and/or statutory victim with his/her dependent(s)), including: nutrition, hygiene and other essentials;
- Daily accommodation in the crisis centre (for alleged victim with his/her dependent(s)), including: nutrition, hygiene and other essentials;
- Compensation in the amount 1.000 (one thousand) GEL (only for victim and/or statutory victim of human trafficking).

#### *Statistics of use of shelters*

Years	2014	2015	2016	2017	2018	2019
Beneficiaries	114	188	260	307	412	411

#### *Statistics of use of Crisis Centres*

Years	2016	2017	2018	2019
Beneficiaries	33	167	318	242

80. From 2017, services within the shelters and crisis centres are being provided to victims of violence against women as well.

81. In 2016-2017, the system of consultation hotline (116 006) for the protection from violence was technically improved and was functionally diversified. Besides, from February 2017, the hotline, apart from the family violence issues, provides consultation on violence against women, trafficking and sexual violence and as of 1 March, the hotline consultation, in addition to the Georgian language, is available in 7 languages (English, Russian, Turkish, Azerbaijani, Armenian, Arabic and Persian).

*Trainings for law enforcement officers, medical and social workers*

82. The MIA Academy ensures specialized professional education and retraining of patrol officers and district inspectors. In 2015, separate training module on gender equality issues was created and launched for patrol officers and district inspectors.

83. After launching community police officers' institute in 2018, the above modules were included in their basic educational programs. The modules cover the following themes: prohibition of discrimination, response to discrimination and its prevention, forms of discrimination, direct and indirect discrimination, anti-discrimination legislation, basic concepts of gender and gender equality in Georgia. More than 6,500 police officers studied a special module on discrimination from July 2014 to December 2018. More than 1,000 police officers studied module on gender equality.

84. The Module on domestic violence is a part of all basic programs of the MIA Academy. It covers the following topics: domestic violence and violence against women, domestic violence against children, impact of domestic violence on children, Georgian legislation on domestic violence and violence against women, identifying signs of domestic violence, referral mechanisms for children. More than 1,800 police officers followed a special module on domestic violence (it covers also violence against children) from July 2014 to December 2018.

85. Under the Decree of the General Prosecutor, since 1 May 2018, only specialized prosecutors and investigators of the Prosecutor's Office who have undergone special training course in domestic crimes are working on domestic crime cases. At present, 125 prosecutors and investigators are specialized in the field.

86. In 2017, the prosecutors received intensive trainings for improving competence in domestic crime. In total, 6 learning activities were carried out in the field of combating domestic violence and violence against women and 83 officers and employees of the Prosecutor's Office were retrained.

87. In 2018, 3 special training courses on combating domestic violence and violence against women were conducted for the prosecutors and investigators. In 2016-2017, a manual on "Women's Rights and Ensuring their Access to Legal Mechanisms" was developed in the framework of the Council of Europe's regional project, with participation of the representatives of the Prosecutor's Office, which served as a basis for the training program for the prosecutors.

88. In 2018, 2 educational courses on combating domestic violence and violence against women were implemented in cooperation with the Council of Europe. Representatives of the Prosecutor's

Office and Ministry of Internal Affairs, including 32 prosecutors and 10 investigators attended courses.

89. In 2019, with an active cooperation of the Special Penitentiary Service under the Ministry of Justice and LEPL Training Centre of Justice, special training module “Orientation Course for Escort Officers” was developed. Orientation course covers relevant legal acts, skills development, stress management, effective communication and teamwork, topics of inter-prisoner violence and crisis management, etc. Within 2019, newly recruited 128 Escort Officers were trained.

90. In 2016, the State Fund launched the project Health System Response to Domestic/Gender-based Violence, funded by the UN Population Fund (UNFPA). In order to enable medical workers to effectively reveal and manage violence, a training module was revised and finalized. The document is based on a module on Strengthening Health System for Responding to Domestic Violence and Violence against Women jointly developed by the UNFPA regional office and Austrian organization Women against Violence in Europe.

91. Furthermore, Standard Operational Procedures (SOP) on identification of physical, psychological and sexual violence, treatment principles of survivors and referral issues were developed for medical workers of the first and second ranks.

92. In 2018, upon request of the State Fund and with the support of the UN Women, the Georgian Association of Social Workers (GASW) developed Social Work manual. The manual includes guiding principles of providing services to juveniles and disabled people.

93. In 2017, in order to further improve a component of psychosocial rehabilitation, with the support of the UN Women, taking into consideration the international experience, a manual on psychological rehabilitation was developed for the psychologists in shelters and crisis centres standardizing psychological services in shelters. In 2018, special issues related to the work with children and persons with disabilities were integrated in the abovementioned manuals on psychological and social work. At the State Fund’s initiative, the Georgian Association of Social Workers organized a training course consisting of several stages for social workers of the State Fund aiming at further improving their skills. In addition, in 2017 the State Fund developed a concept of economic empowerment of victims which is an important guiding document for planning and implementing specific measures for the economic empowerment of beneficiaries.

94. On 28-29 November 2015, the UNFPA organized a training course for medical workers/doctors on identification of physical, psychological and sexual violence against women, principles of care and referral issues.

95. In 2016, on the basis of a document defining functions of social workers and special curriculum (developed within the USAID project Reduction of Domestic Violence in Georgia), 247 social workers from the LEPL Social Service Agency were trained on domestic violence issues. In addition, 272 social workers attended training sessions on social work for homeless children. In 2017-2018, 250 social workers were retrained.

96. In 2016-2018, on the basis of a training module developed under the State Fund’s project - Health System Response to Domestic/Gender-based Violence, a training course was organized for health system specialists on identification of physical, psychological and sexual violence against women, principles of care and referral issues. In total, about 300 health system specialists were

trained. In 2017-2018, 340 healthcare specialists were trained within the framework of the USAID project on the Reduction of Domestic Violence in Georgia.

97. In addition, the Fund organises trainings on a regular basis. See information on the trainings and awareness-raising campaigns in Annex No. 4.

#### *Corporal punishment of children*

98. In order to protect children from all forms of violence, the Government of Georgia approved A Child Protection Referral Procedures by its Decree No. 437 of 12 September 2016.

99. A Child Protection Referral Procedures increased the number of agencies engaged in the procedures, which also includes municipalities. Increased number of agencies involved in the procedures, will support protection of children from all forms of violence, including corporal punishment, through establishment of coordinated and effective system.

100. According to a Child Protection Referral Procedures, action directed to corporal punishment of a child causing physical pain or suffering has been defined as one of the forms of physical violence.

101. On September 20, 2019, the Parliament of Georgia adopted the Code on the Rights of the Child. The Code was developed with the strong support of the UNICEF and involvement of the civil sector. The above-mentioned Code recognizes all rights enshrined in the Convention on the Rights of the Child and creates the state system of child protection and support, which itself implies a state commitment to develop and offer the state educational, health and social care programs to children. The state is also obliged to create a child-friendly justice system, meaning that every child-related issue shall be resolved in a multidisciplinary approach by considering the best interests of a child. Article 25 of the Code prohibits the corporal punishment of children.

102. Furthermore, the Law of Georgia on General Education states that violence against a pupil or any other person at school shall be inadmissible. Upon revealing facts and/or alleged facts of violence against a child on the territories of general educational institutions, a resource officer should carry out initial identification of a victim of violence/alleged violence and after identification to refer a student to Social Service Agency or law enforcement agencies. There are eight psychological service centres in Georgia. The centres provide psychosocial services to students, their parents, teachers and school administration employees. The services are free of charge and offer a 24-hour hotline. The centres regularly train resource officers, administration staff and teachers of general educational institutions within frameworks of various programs.

#### **Recommendation 10 – Accountability for Past Human Rights Violations**

##### *Effective, independent and impartial investigation of the 2008 international armed conflict by the International Criminal Court (ICC)*

103. On 27 January 2016, a Pre-Trial Chamber of the International Criminal Court satisfied a request submitted by its Prosecutor on 13 October 2015 for the authorization to proceed with an investigation of crimes within the jurisdiction of the Court, namely war crimes and crimes against humanity allegedly committed in and around Tskinvali Region/South Ossetia, Georgia, between 1 July and 10 October 2008.

104. Georgia, upholding a principle of complementarity, closely cooperates with the ICC to ensure effective conduct of investigation. In order to enhance international legal cooperation framework, Georgia concluded relevant international agreements with the ICC.

105. Within the framework of the ongoing investigation, the Ministry of Justice of Georgia carried out relevant national procedures to fulfil the requests submitted by the ICC. Georgian side regularly organizes meeting with the representatives of the ICC to discuss important matters of cooperation. Furthermore, the Ministry of Justice is actively involved in the meetings with representatives of international and local NGOs interested in the investigation

106. In order to raise public awareness about the investigation, the Ministry of Justice started informational campaign for general public in May 2017.<sup>4</sup> Target audiences of the campaign included people affected by the 2008 conflict and other stakeholders.

107. Furthermore, in order to satisfy the interests of the victims, the Government transferred EUR 10,000 to the Trust Fund established under the ICC Statute<sup>5</sup>. In addition, the Deputy Justice Minister was selected a member of the Trust Fund's Directorate under the quota for Eastern Europe's states.

#### *European Court for Human Rights and interstate applications*

108. At the moment, in the context of August 2008 conflict and continuous occupation of its territories, Georgia has submitted two inter-state applications to the European Court for Human Rights against Russian Federation. In the case *Georgia v. Russia (II)*, Georgia alleges that Russia has engaged in an administrative practice which allowed/supported Russian armed forces and separatist forces under its control to carry out indiscriminate and disproportionate attacks against peaceful population and its property on the territories of Abkhazia, Georgia and Tskhinvali Region/South Ossetia, Georgia. The European Court will decide on the case in the nearest future.

109. On 21 August 2018, the Ministry of Justice of Georgia lodged a new interstate application with the European Court against Russian Federation, *Georgia v. Russia (IV)*. The case concerns administrative practice of Russia of harassing, arresting, detaining, assaulting and murdering Georgian citizens living in the territories occupied by Russia and along the occupation line that particularly intensified after the 2008 war and reached a critical point when Archil Taturashvili was tortured and killed in February 2018<sup>6</sup>.

110. In conclusion it can be said that through close cooperation with the ICC and applications lodged with the European Court for Human Rights, Georgia, with the engagement of international mechanisms, aims to ensure effective, independent and impartial investigation of alleged crimes and human rights violations during the 2008 armed conflict, particularly to ensure bringing responsible persons to justice and providing effective remedies, including reparation to victims.

#### **Recommendations 11 and 12 - Independent Investigation Mechanism**

111. As of 10 May 2019, an independent state agency - the Office of the State Inspector (as a legal successor of the Personal Data Protection Inspector) started functioning. According to the law,

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<sup>4</sup> <http://justice.gov.ge/News/Detail?newsId=6391>.

<sup>5</sup> <https://matsne.gov.ge/document/view/4130271?publication=0>.

<sup>6</sup> <http://www.justice.gov.ge/News/Detail?newsId=7765>.

it is an institutionally independent investigation body responsible for independent and effective investigations of selected categories of crimes committed by the law enforcement officers and civil servants. Crimes falling within the State Inspector's investigative jurisdiction include but are not limited to those involving torture, inhuman or degrading treatment abuse of power or exceeding official powers if committed by violence and/or infringement of the person's dignity.

112. The State Inspector also has the jurisdiction to investigate crimes committed by representatives of law enforcement bodies, civil servants or by other persons holding the equivalent position if the crime has resulted into the death of a person and at the time of the commission of the crime that person was physically located in a pre-trial detention facility, a prison or in any other place where he/she had been prohibited to leave the place, contrary to his/her will, by a representative of the law enforcement body, a civil servant or other person holding the equivalent position or where the person was otherwise under the effective control of the State. The State Inspector has commenced exercising its investigative jurisdiction starting from 1 November 2019.

113. Bearing in mind the importance of the State Inspector, the law creates strong guarantees of the independence of the Inspector. In particular, the State Inspector carries out its work independently and is not subordinated to any official or state body. The law prohibits and punishes influencing the members of the State Inspector's Office and interfering with the State Inspector's activities.

114. In 2017, the Division of Human Rights Protection at the Prosecutor-General's Office developed a recommendation for the prosecutors on qualification of ill-treatment cases committed by an official or a person holding the equivalent position. In 2015, the Prosecutor-General's Office established a new specialized unit - Department for Investigating Crimes committed during Legal Proceedings. (Statistical information on criminal case investigations by the Department is provided in Annex 5).

115. According to the data 2013-2016, criminal prosecutions were launched against 127 persons on the allegations of ill-treatment committed by prison staff and law enforcement members.

116. As for the years 2017-2018, the statistics are as follows: as a result of effective investigations, in 2017, 17 individuals were prosecuted for allegations of ill-treatment. Of these 17 individuals, 3 were police officers (1 police officer was charged with a crime under Article 333 and 2 police officers were charged under Article 144<sup>3</sup>) and 14 were prison staff (2 employees of the penitentiary department were charged under Articles 144<sup>1</sup> and 144<sup>3</sup>, 10 prison staff members were charged under Article 144<sup>3</sup>, and 2 members were charged under Article 333).

117. In 2018, 15 persons were prosecuted, including 12 police officers for the crime under Article 333 of the Criminal Code and 3 prison staff members for the crime under Article 144<sup>3</sup>.

### **Recommendation 13 - Length of Administrative Detention**

118. On 18 August 2014, the Georgian Code of Administrative Offenses was amended. Based on the amendments the maximum term for an administrative detention was reduced from 90 days to 15 days and procedural safeguards were improved.

119. On 17 March 2016, the Government Decree No124 approving the “Disciplinary Regulations for the Georgian Defence Ministry’s Military Service Members” abolishing administrative detention as a disciplinary sanction.

#### **Recommendation14 - Jury trial**

120. New changes in the Criminal Procedure Code came into force in 2017, which amended the jury selection procedures to enable timely completion of juror selection; re-defined incompatibility of the jurors’ duties with other activities; introduced additional safeguards for the impartiality and safety of jurors; amended the rules of challenging the jurors and the rules of voting by jurors with a view to eradicating the practices of abusing unsubstantiated challenges and making the process more organized. In addition, jury courts were instituted additionally in the town courts of Tbilisi, Kutaisi, Batumi and Rustavi and in the district courts of Zugdidi, Telavi and Gori.

#### **Recommendation 15 - Narcotic Drug-related Policy**

##### **Zero tolerance drug policy**

121. The Antidrug Interagency Coordination Council, coordinating narcotic drug-related policy-making in Georgia since 2011, is an effective and coordinated institutional mechanism that manages to further improve the existing drug policy.

122. It should be pointed out that a State Strategy on Combating Drug Abuse have been developed and approved by the Inter-agency Coordinating Council for Combating Drug Abuse on 4 December 2013. The Strategy and its respective Action Plans for 2013-2015; 2016-2018; 2019-2020 are based on 4 pillars of 1) Prevention, 2) treatment and rehabilitation, 3) harm reduction, and 4) combating drug crimes.

123. The following important steps were made towards a more liberal and human rights-based drug policy since 2014:

- A New Psychoactive Substances Law was adopted in 2014 serving as an effective mechanism for preventing the dissemination of new psychoactive substances in the country;
- The legislative amendments in the Criminal Code adopted in 2015 distinguished between criminal liability for buying, storing and similar activities related to narcotic drugs on the one hand and, on the other hand, for selling the drugs;
- The ambulance staff are no longer obligated to report drug overdosing cases to the law enforcement – something that had had deterring effect on calling for the ambulance in such cases;
- In July 2017, the Coordination Council approved a set of draft legislative amendments aiming at liberalization of drug policy by establishing a more liberal legal liability for relatively soft drugs such as cannabis and raw (dried-out) marijuana.
- In 2017, the Coordination Council elaborated the draft legislation designed to review legal amounts of narcotic substances.
- On 30 November 2018, the Georgian Parliament adopted a set of legal amendments on marijuana consumption implementing the Constitutional Court judgment and striking a fair and reasonable balance between the freedom of an individual and the public need for safety taking into account the risks posed by cannabis/marijuana. The amendment package

envisaged prohibiting marijuana consumption in public domain, public institutions, in the presence of juveniles and inside or 150 meters around institutions designed for juveniles, while performing military duties and inside military units. In addition, in the event of second and subsequent instances of marijuana consumption in the presence of a juvenile or while performing official duties, judges were empowered to impose on the person limitation of his/her civil rights, including the right to pedagogical activity, the right to drive a vehicle, the right to carry a gun, the right to work for a government organization, etc. Driving a vehicle under drug influence has become punishable under the criminal law instead of administrative law.

124. Furthermore, the courts have improved the quality of reasoning of judgments in drug crime cases in the recent period. According to the study of judgments carried out by the Supreme Court, courts have been assessing the credibility of police officers' evidence in conjunction with other evidences available in the case and basing their judgments on the combination of evidence confirming or rejecting charges.

#### *Healthcare services for drug addicted patients*

125. Since 2008, the Government has been funding healthcare services for drug-addicted patients. The services are as follows:

- Inpatient detoxification and primary rehabilitation for patients suffering from mental and behavioural disorders caused by opioids, stimulators and other psychoactive substances;
- Psycho-social rehabilitation;
- Substitution therapy;
- Inpatient services for patients suffering from mental and behavioural disorders as a result of alcohol abuse;

126. One of the elements of the State Healthcare Programme is "Preventing substance addiction and gambling addiction", which includes a number of activities:

- Developing a strategy and an action plan to raise awareness of substance addiction, in close collaboration with relevant organizations and stakeholders working on substance addiction issues;
- Conducting a small-scale qualitative research in the target population and developing a communication strategy and an action plan for the prevention of gambling addiction;
- Conducting an educational campaign using the social media, including multimedia materials;
- Advocating the harmfulness of drug consumption and gambling addiction through media sources;
- Engaging in "useful talk" and other educational activities with the involvement of community and non-governmental organizations;
- Preparing and broadcasting videos on TV channels or using social networks;
- Preparing, printing and disseminating informational materials (fliers, booklets, information briefs, and short guiding posters on the applicable legislation);
- Training teachers in substance addiction issues at pilot schools, including in how to communicate with substance-addicted pupils;
- Conducting a training session or a workshop for the media representatives.

## **Recommendation 16 - Juvenile Justice**

127. On 12 June 2015, the Georgian Parliament adopted a Code of Juvenile Justice. The cornerstone of the Code is that all decisions about juveniles shall be based on their best interests and an individual approach in the first place, that alternative measures shall be preferred over criminal imprisonment, that the rights of juveniles require special protection in the course of judicial proceedings, that juveniles shall be provided with improved detention conditions, etc. Taking into consideration their special physical and mental condition, the Code establishes a special approach to juveniles in all issues involving them.

128. The Code applies whenever a legal proceeding involves a juvenile in conflict with the law, an underage witness and/or an underage victim. The Code applies also to individuals having conflict with the law and aged between 18 and 21 in the events described in Article 15(1) (when such a person is accused of committing a criminal offense) and Articles 38 to 48 (diversion provisions).

129. Since the adoption of the Code of Juvenile Justice, the frequency of using imprisonment as a primary type of sentence for juveniles has drastically decreased.

### *Access to education for convicted/accused juveniles; rehabilitation and resocialization*

130. Juvenile prisoners at the juveniles' rehabilitation institution are provided with psycho-social rehabilitation programmes such as "EQUIP" (understanding crime by juvenile convicts) and "Re-Entry" (preparation for release), which helps underage inmates develop the skills they will need reintegration into the society. Penitentiary, probation and crime prevention systems are to be involved in the implementation transitional management programs.

131. All juvenile prisoners are provided with individual Risk and Needs Assessment, individual plans and appropriate rehabilitation and support programs to help them overcome their individual criminogenic factors and change in a positive manner in order to ensure their effective service of sentence and their reintegration.

132. Access to education is provided for imprisoned/accused juveniles at four penitentiary institutions. Juveniles in each of these institutions are able to participate in external diploma examinations and unified national examinations. Convicted juveniles are provided with access to vocational education. This process at the rehabilitation institution is provided by the state collages.

133. 94 accused/convicted juveniles were involved in the general education programme at penitentiary institutions in 2017. 7 of them participated in recognition-of-prior-learning exams and 4 in external diploma examinations. 2 juveniles took part in the national examination. One individual continued his/her university study at the penitentiary institution.

134. Since 1 January 2018, prisoners at the juveniles' rehabilitation institution are authorized to do their bachelor's degree studies (first level of university education).

## **Recommendation 17 - Internally Displaced Persons**

135. The Georgian Government is committed to protect the rights of Internally Displaced Persons (IDPs) in the entire period of their displacement, promoting their integration and finding

long-term solutions to their needs/problems. A significant progress has been achieved on all of these directions.

136. Since July 2014, State Strategy on IDPs and the Action Plan for its implementation has been updated several times by the relevant Government decrees providing new programs for IDPs with long-term accommodation. Within the programs, 9,973 internally displaced families were provided with long-term accommodation. In addition, 15,608 internally displaced families had their legal title registered on residential places previously held by them in legal possession. Settlement of families was implemented with due consideration of their own choices, within the administrative units they resided and were already accustomed to.

137. In 2015, the Government launched a program for the provision of internally displaced families with temporary accommodation. The program envisaged distributing monetary assistance to the families to help them rent residential spaces. Up to 4,500 internally displaced families benefited from the program.

138. Important steps have been made also toward renovation and adaptation of former compact settlement areas of IDPs. As a result of programs jointly implemented by the central and local authorities, more than 600 settlement areas of IDPs have been rehabilitated, in different ways.

139. By the end of 2014, the Government doubled its efforts to provide internally displaced families with livelihood and sustainable income. To this end, an Agency for the Provision of IDPs with Livelihood was established in 2014 (currently named as LEPL “Livelihood Agency”). The primary goal of the Livelihood Agency is to improve the socio-economic conditions of IDPs and facilitate their integration. One of the priorities of the Agency is to support initiatives that help generate or improve income sources at new IDP settlement locations.

140. These programs envisage issuing grants to IDPs to help them generate new income sources or improve the existing ones. In addition to grants, a great deal of attention is paid to training, skills improvement and appropriate education for IDPs.

141. Since 2014 until now, the Agency independently and together with its partners, has funded about 2,000 internally displaced families.

### **Recommendation 18 - Religious Minorities**

142. Detailed information on combating discrimination and hate-motivated crimes is provided in the response to the Committee’s Recommendation no. 8.

143. In addition, it should be mentioned that the Division of Human Rights Protection of the POG elaborated a recommendation with the view to facilitate an effective prosecutorial supervision on the crimes committed with the religious intolerance. The recommendation covers the interpretation of Articles of the Criminal Code related to religious intolerance, cases of damaging religious premises, legal qualification of verbal abuse and other pressing matters. In the period between 2013 and 2018, thirty-eight (38) individuals were prosecuted for crimes committed on the ground of religious intolerance.

### *Restitution*

144. Even though Georgia has no obligation to provide any restitution of property confiscated by the Soviet Union because the independent state of Georgia is not a legal successor of the Soviet Union, the State hands over to the religious associations the 20 buildings of worship that became factual property of the State after the country restored its independence. The Commission for Examining Financial and Proprietary Needs of Religious Associations has been established with the State Agency for Religion Issues. By the decision of the Commission, since 2014, the Muslim community received 212 mosques throughout the entire country; the Jewish community received 20 synagogues; the Evangelical-Protestant Church received 2 buildings; the Evangelical-Lutheran Church, the Georgian Yezidi Community and other religious organizations in Georgia received their places of worship confiscated in the Soviet era.

145. The process of the State returning places of worship to their owners continues. In addition to the above, in 2015, the Government purchased 2 four-story buildings in Batumi with the total value of GEL 5 million to hand them over to the LEPL "All Georgian Muslims' Governance": one building for the Mufti residence and the other for a religious school (Madrasa).

#### **Recommendation 19 - Minority Rights**

146. Ensuring civic equality and integration as well as support to cultural diversity are among the priority objective of the Georgian Government.

147. One of the key instruments of civic integration policy is the State Strategy for Civic Equality and Integration and respective Action Plan 2015-2020. The Strategy envisages to ensure equal and full-fledged participation of the ethnic minorities in all spheres of public life; improving access to quality education and knowledge of the state language; provision with equal social-economic conditions and opportunities; protection of minority culture and identity; further strengthening of a tolerant environment.

148. Ethnic minorities are represented in the Georgian Parliament as well as in local authorities of the municipalities of their compact settlement.

149. Ethnic minority representatives enjoy equal rights to participate in political processes such as elections. The Central Election Commission prepares and delivers all necessary information to the representatives of ethnic minorities in their native languages (additionally see below the response to Article 25, §§ 326-327).

150. Ethnic minorities have access to TV and radio programs. Live re-broadcasting of Georgian version news program of the Georgian Public Broadcaster with simultaneous translations in Armenian and Azerbaijani languages is aired on daily basis through regional TV channels. Also, seven-language (Georgian, Abkhazian, Ossetian, Armenian, Azerbaijani, English, and Russian) web-portal ([www.1tv.ge](http://www.1tv.ge)) launched under the umbrella of the Public Broadcaster is operational.

151. The Government supports weekly Armenian newspaper "Vrastan" and weekly Azerbaijani newspaper "Gurjistan".

152. Ethnic minority representatives have access to all levels of education, including in their native languages. At the beginning of the academic year 2018-2019, 291 non-Georgian public schools have been functioning (208 fully non-Georgian schools and 83 mixed sectors schools). With the purpose to assist ethnic minority representatives to get higher education, "Georgian language

preparatory educational program" is available, allowing them to be enrolled in higher educational institution only by taking the general skills test in Abkhazian, Ossetian, Azerbaijani or Armenian languages. 673 students were enrolled in 2014, 741 students - in 2015, 960 students - in 2016, 1047 students - in 2017, 1231 students - in 2018 and 1335 – in 2019.

153. The State promotes protection of the rights of both large and smaller ethnic minority groups. Since 2016, languages of numerically small minority groups are introduced at public schools upon request.

154. With the aim to promote access of ethnic minority representatives to public administration, since 2017, a special internship program at public service for "1+4" education program beneficiaries is available. The internship program contributes to youth participation as well as to civic integration, in general. By 2018, 142 young students undergo internship at various state agencies.

155. Lack of knowledge of the state language among ethnic minority representatives remains as a challenge. The State has continued implementing programs and projects aimed at improving the knowledge of the state language for various groups of population.

156. During 2018, the State Language Learning Program was implemented in 10 regional training centres of Zurab Zhvania School of Public Administration. 3,407 individuals – received training within the Program. In 2014 -2018 12,547 individuals were trained within the same program.

157. Zurab Zhvania School of Public Administration offers short- and long-term professional training courses to ethnic minority public servants. In 2015-2018, 688 civil servants were trained.

158. In 2016-2017, 1,070 local teachers attended the Georgian language course. 274 Georgian language course students who attained the A2 language proficiency level participated in professional development training courses.

159. For the purpose of creating equal opportunities for all teachers in Georgia, LEPL National Centre for Teachers Professional Development" is implementing a program entitled "Professional development of non-Georgian language teachers" (previously the "Georgian language for future success" program), aimed at enhancing teaching of the State language and ensuring better integration of minorities this way. In 2018-2019, 121 certified consultant-teachers and 165 assistant teachers who were the graduates of the "Georgian as a second language" course were deployed in up to 190 non-Georgian schools in Samtskhe-Javakheti, Kvemo Kartli and Kakheti regions.

160. LEPL National Centre for Teachers Professional Development has been the implementer of MCA-Georgia program "Training educators for excellence". The program envisages training of STEM subject teachers, school principals, and facilitators in minority languages such as Armenian, Azerbaijani and Russian. All teaching materials produced within the project were translated into minority languages. More than 200 school principals, 138 facilitators and 2000 STEM subject teachers are involved in the training courses conducted in minority languages.

161. In the regions of compact settlement of ethnic minorities a large-scale information/awareness raising campaigns were conducted. More than 300 meetings were organized which implied delivery of information on state social-economic programs and services, human rights and non-discrimination, ethnic minority rights, women's rights, and Georgia's European and

Euro-Atlantic integration. Ethnic minority representatives were provided with information in their native languages.

162. Social assistance. All residents of Georgia are equal and social rights guaranteed by the legislation are equally applicable to everyone.

163. As for targeted programs to facilitate the ethnic minorities' socio-economic integration, the State is running a number of initiatives within its Social Rehabilitation and Child Care program:

164. A subprogram entitled Providing Homeless Children with Shelter is aimed at psycho-social rehabilitation and integration of homeless children, including children living and working in the street. Under the subprogram, 6 shelters and 6 day-care centres are running in Tbilisi, Rustavi and Kutaisi. Four mobile groups are working with the homeless children (3 groups in Tbilisi and 1 group in Kutaisi). At this moment, 3 Roma people are employed in providing the subprogram services.

165. As part of the Providing Homeless Children with Shelter subprogram, service was provided to 214 beneficiaries 2016 (of this figure, 94 beneficiaries are from ethnic minorities, including 16 Roma people). 2 beneficiaries were placed in foster care. 14 children returned to their biological families. 6 juveniles were enrolled in a small family-type home. 21 beneficiaries with the relevant need were included informal education (enrolled in school). 12 families were included in the subprogram for providing families with children in crisis with emergency assistance. 21 children received proper documentation.

166. In 2017, 270 juveniles benefited from the services. This figure includes 112 ethnic minorities, of whom 27 juveniles were Roma. 6 beneficiaries were put in foster care. 14 children returned to their biological families. 6 beneficiaries were admitted to small family-type homes. 6 beneficiaries were enrolled in formal education – schools. As part of activities of the working group on educational needs, the Ministry of Education and Science<sup>7</sup> provided special education services to all beneficiaries benefiting from the services under the Homeless Children's subprogram; in particular, special teachers were assigned to the centres in Tbilisi, Kutaisi and Rustavi where the teachers worked for raising the beneficiaries' functional, academic and cognitive skills. 101 children participated in the program overall. The Ministry of Education and Science provided special educational services to 165 beneficiaries of the Homeless Children subprogram through improving their functional, academic and cognitive skills. Of the beneficiaries involved, 21 children were enrolled in public schools in the reporting period. 8 individuals were trained and enrolled in vocational education institutions. At the initiative of the Working Group on Documents, amendments were introduced into the Georgian Law on the Procedure for Registering Citizens of Georgia and Aliens Residing in Georgia for Issuing Identity (Residence) Cards and Passports of a Citizen of Georgia. Based on the amendments made it possible to issue temporary identification number to homeless children having no identity documents. Also, on the basis of the amendments, personal documents were prepared for 11 children (they were assigned temporary ID numbers). Various documents were issued to 20 children.

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<sup>7</sup> As a result of structural changes in the government in 2018, the Ministry of Education and Science and the Ministry of Culture and Sports were merged together.

167. In 2018, 188 children were provided services, including 82 ethnic minorities of whom 19 were Roma. 1 beneficiary was placed in foster care. 1 juvenile was admitted to a small family-type home. 1 beneficiary was enrolled in school. 1 child received proper documentation.

#### *Homeless children and child referral procedures*

168. Georgia pays special attention to the protection of children living and/or working in the street who are particularly vulnerable to violence and human trafficking. With the purposes of implementing the rights of homeless children and including the children in various social, educational, healthcare and other State programs, the Interagency Council for Combating Human Trafficking, elaborated draft amendments to up to 10 legislative pieces. The legislative package introduced the legal definition of “a homeless child”.

169. Legislative definition of this term allowed the State authorities to regulate documents for such children, which in turn will ensure their access to various State-offered services including healthcare, educational and social protection programs.

170. With a view to regulating documents of homeless children, the LEPL “Social Services Agency” has been authorized to apply to LEPL Public Service Development Agency for issuing documents to homeless children free of charge. Before that, only parents and caregivers were entitled to lodge such requests but the practice shows that parents were not performing their duties properly leaving children without identification documents and hence, beyond the scope of State programs.

171. The above changes in the legislation also reinforced mechanisms for the protection of juveniles against all forms of violence. The amendments increased the role of social workers – officials with appropriate expertise and experience, authorizing them to make a decision on immediately separating a child victim from an abuser in urgent cases. Failure to abide by a social worker’s decision on separating a child from the perpetrator entails administrative or even criminal liability, if a person has already been imposed an administrative sanction for the same offense. The Parliament adopted the above changes on 22 June 2016, which then came into force on 10 August 2016.

172. In addition, in order to make the system more effective, the list of State agencies and institutions involved in the child referral system has expanded to include municipalities, the Ministry of Interior, relevant institutions under the Ministry of Education, Science, Culture and Sport and the Ministry of Justice as well as public law entities subordinated to these ministries, the Prosecution Office, the LEPL “Crime Prevention Centre”, kindergartens, LEPL “Resource Officers’ Agency”, educational and extracurricular arts and sports institutions, children’s specialized institutions and shelters, healthcare service providers (including village doctors) and municipality governing bodies (district governing bodies in the Tbilisi Municipality) or their authorized non-commercial entities.

173. Administrative liability has been introduced for organizations and/or their authorized representatives included in the child referral procedures if they fail to report information on child abuse to appropriate State bodies.

174. To ensure effective functioning of the referral system, a decision has already been made to create a unified database of child victims of violence. The Ministry of Interior will be responsible for technical administration of the database.

175. In the period of 2015-2018, the Ministry of Justice issued grants in the amount of GEL 89,000 to non-governmental organizations to implement activities directed at trafficking prevention and protection of homeless children.

#### **Recommendation 20 - Dissemination of Concluding Observations**

176. The Ministry of Foreign Affairs ensured wide dissemination of the Committee's concluding observations (CCPR/C/GEO/CO/4) following their adoption, with a view to facilitating their implementation. The document was circulated to all competent authorities of the executive government as well as the judiciary and the legislature. The document was also forwarded to local authorities. Furthermore, recommendations of the UN human rights mechanisms are reflected in the National Action Plans on Human Rights.

## **II. Information on the implementation of the Covenant provisions**

### **Article 1**

177. According to the Georgian Constitution, Georgia is an independent, unified and indivisible state as confirmed by the Referendum of 31 March 1991, held throughout territory of the country, including the Autonomous Soviet Socialist Republic of Abkhazia and the former Autonomous Region of South Ossetia and by the Act of Restoration of State Independence of Georgia of 9 April 1991.

178. Further, according to the Constitution, People shall be the source of state authority. The people shall exercise their authority through referendum, other forms of direct democracy and their representatives.

179. The Constitution states that citizens of Georgia shall regulate the matters of local importance through local self-government in accordance with the legislation of Georgia. The separation of the powers of state authority and self-governing units is based on the principle of subsidiarity.

### **Article 2**

180. Important steps have been taken in the recent years, both on policy and institutional level, in order to coordinate State actions towards effective realization of human rights.

181. On 30 April 2014, the Georgian Parliament adopted a National Strategy on the Protection of Human Rights for 2014-2020. The Strategy determines major policy directions of the Georgian State for the protection of human rights. A major feature of Strategy is its human rights-based approach, which underpins implementation, supervision and assessment all the State policies and programs. One of the priorities identified in the Strategy document is the elimination of discrimination and protection of minorities.

182. With a view to implementing the National Strategy, the Georgian Government adopted a number of relevant Action Plans. In particular, a Governmental Action Plan for 2014-2015 for the Protection of Human Rights in Georgia was adopted in 2014. In 2016, the Government approved another Action Plan for the period of 2016-2017. A new action plan for 2018-2020 was approved in 2018.

183. An Interagency Council led by the Prime Minister was established in order to coordinate and monitor implementation of the Action Plan. The Council includes all ministers and the Public Defender. Non-governmental and international organizations enjoy the right to vote in the Council.

#### *Human rights situation in the Occupied Territories*

184. A decade after the large-scale open military aggression exercised against Georgia in August 2008, Abkhazia and the Tskhinvali regions of Georgia remain under Russia's illegal occupation in flagrant violation of fundamental principles and norms of international law as enshrined in the UN

Charter and the EU-mediated 12 August 2008 Ceasefire Agreement. For this reason, the Georgian Government is incapable of exercising *de facto* jurisdiction in the occupied territories. Accordingly, the Russian Federation as a country exercising effective control in the occupied territories is solely and fully responsible for all human rights violations in those territories.

185. The human rights situation in the occupied territories deteriorates on a daily basis. Illegal deprivation of the right to life is particularly a matter of concern. Conspicuous examples are the murder cases of David Basharuli in 2014, Giga Otkozoria in 2016 and Archil Tatumashvili in 2018. It should be emphasized that representatives of the occupation regimes directly participated in all of those killings. In 2019, Irakli Kvaratskhelia, a citizen of Georgia, died while being in arbitrary detention at Russian military base illegally stationed in Abkhazia region. Until now, perpetrators remain unpunished.

186. Ethnic Georgians residing in Abkhazia and Tskhinvali regions are being constantly discriminated on the bases of their ethnic belonging, a situation that might fuel another wave of ethnic cleansing there. Starting from 2016, representatives of the Sokhumi occupation regime have been pressuring ethnic Georgians residing in Gali district to register as foreigners at a place of their origin. Even if the Georgian residents register themselves as foreigners, their rights to work and property will be restricted. Obtaining local so-called residence permits is related to a number of obstacles too.

187. Besides, ethnic Georgians, are forced to change their surnames and identity into Abkhazian ones in order to obtain the so-called Abkhazian illegal passports. The so-called documents (“passports” and “identity cards”) are null and void under the international law but a lack/no possession of these “documents” harshly and adversely affects their humanitarian and human rights situation.

188. The occupation regimes started imposing restrictions on the teaching of the Georgian language at schools in Abkhazia region in 1990s. They banned Georgian as a language of instruction at the Georgian schools located in Ochamchire, Tkvarcheli and so-called upper zone of Gali. In 2015, studying in Georgian was prohibited also in the remaining 11 Georgian schools in the so-called lower zone of Gali. In 2017, same restrictions started to be imposed/were introduced in Tskhinvali region as well. For the moment, Georgian is taught only as a foreign language and is allotted only 1 or 2 hours per week. In the academic years of 2015-2018, more than 4000 pupils in both occupied territories were deprived of the possibility of receiving education in their native language.

189. Property rights have been violated in the occupied territories for years already. Hundreds of homes belonging to ethnic Georgians were either destroyed or illegally sold during and after the 2008 war. In April 2019, the Sokhumi occupation regime initiated a “draft law” that prevents even the family members of those who fought against “Abkhazian independence” in 1992-1993 to receive property title by inheritance.

190. Freedom of movement remains one of the major challenges in the occupied territories. This is something the Russian occupation forces are maliciously using as a tool to hinder contacts between the divided societies. The occupation regimes in Sokhumi and Tskhinvali are trying to restrict free movement of population through imposition of various artificial restrictions, such as closure of the so-called crossing points (in 2016-2017, Sokhumi occupation regime closed four out of six “crossing-points”; they, using various artificial pretexts, occasionally continue to temporarily

shut down existing “crossing-points” as well ), illegal detentions and kidnappings, installation of different artificial barriers along the occupation line. These illegal activities have an adverse impact on the local population. More than 800 families have suffered as a result, as the local residents have been deprived of the chance of visiting their families, accessing their own property, agricultural lands, places of worship and cemeteries. They are unable to access healthcare services.

191. Through 2014-2018, the Georgian government registered about 1,700 illegal detentions from the villages lying next to the occupation line. The detainees are made to pay “fines” in exchange for release. Sometimes they have to stay in “custody” several months or even years. There have been frequent arrests/detentions of women, children, elderly and clergy people as well.

192. Hundreds of thousands of internally displaced persons are still being prevented from returning to their homes in a safe and dignified manner.

193. The grave human rights situation in the occupied territories is especially alarming against the background that international human rights organizations are not allowed to enter those territories. Abkhazia and Tskhinvali regions remain inaccessible for the EU Monitoring Mission (EUMM) even though its mandate covers the entire territory of Georgia.

#### *The Georgian Government implementing peaceful conflict resolution policy*

194. The Georgian Government remain committed to implementing a peaceful conflict resolution policy that relies on the tasks of de-occupation of Georgian territories by Russia on the one hand and on reconciliation and engagement of communities divided by the occupation lines, on the other hand.

195. With the support from and in cooperation with the international community, the Georgian Government takes all available diplomatic and legal mechanisms for the protection of rights of individuals in the occupied territories. The Georgian authorities are making the best of their efforts to effectively use the Geneva International Discussions and the Incident Prevention and Response Mechanisms (IPRMs) functioning within that format. It should be also pointed out that the Georgian Government uses all possible fora to raise its concerns regarding the violations of human rights in the occupied territories.

196. For the prevention of the gross violations of human rights occurring in the occupied territories, in June 2018, the Georgian Government approved a list of individuals accused and convicted of murder, abduction, torture and inhuman treatment, serious health injury of citizens of Georgia as well as concealment of those crimes in the occupied territories – the “Otkhozoria-Tatunashvili List”. Georgia is working with the international organizations and its partner countries toward imposing restrictive measures on those on the List.

197. A peace initiative entitled “A Step towards a Better Future” launched by the Georgian Government in April 2018 demonstrates the Government’s efforts for reconciliation and confidence building between the divided societies. The initiative aims at promoting people-to-people contacts and trade across the occupation line as well as at sharing all the benefits with the citizens residing in Abkhazia and Tskhinvali regions.

#### **Article 3**

198. See responses to paragraphs 7 and 9 of the Committee's concluding observations.

## **Article 6**

199. The Georgian Constitution guarantees the right to life. Death penalty is prohibited by the Constitution. Georgia has ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights prohibiting the death penalty. It has also ratified the European Convention on Human Rights and its Protocols no. 6 and no. 13 on the prohibition of the death penalty.

## **Article 7**

200. The Interagency Coordinating Council against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment chaired by the Justice Minister, is a central policy-making body. Since the date of establishment, the Interagency Council, in cooperation with other government agencies, non-governmental sector and international organizations elaborated Action Plans for the years 2008-2009, 2011-2013, 2015-2016 and 2017-2018, 2019-2020.

201. Additional information is provided in the responses to paragraphs 11 and 12 of the Recommendations and also in the context of Article 10.

## **Article 8**

### *Prohibition of slavery*

202. Georgia's state policy on combating trafficking in human beings is based on the "4Ps" principle: Prevention, Protection, Prosecution and Partnership.

203. An Interagency *Anti-Trafficking Coordination* Council, chaired by Justice Minister, has been functioning since 2006 with the aim of ensuring consistent and coordinated implementation of the State's anti-trafficking policy. During its history, the Interagency Council elaborated Anti-trafficking National Action Plans for the years of 2007-2008, 2009-2010, 2011-2012, 2013-2014, 2015-2016, 2017-2018 and 2019-2020.

204. As a result of the above mentioned coordinated and well-structured anti-trafficking activities, the US Department of State Trafficking in Persons Report 2016 ranked Georgia alongside European Union countries, among the Tier 1 countries and the same position was retained by Georgia in 2017, 2018 and 2019.

205. According to the same Reports released in 2018 and 2019, Georgia was the only country among the Eastern Partnership states that scored highest on the ranking list. Also, it was for the first time that the Report stressed the efforts undertaken by the Georgian Government to tackle the homeless children issue. Our country was named as one of the best practice models.

206. According to the Global Slavery Index 2018, as a result of the effective measures implemented by the Georgian Government in order to combat trafficking and contemporary forms of slavery, Georgia climbed up in the overall rating ranking on 15<sup>th</sup> position among 167 countries (it was 16<sup>th</sup> on the list in 2016) positioning itself at the first place on the regional level. According to the 2019 special report "Measurement, Action, Freedom" of the Walk Free Foundation, the

Government of Georgia was placed among those ones that have been taking the most effective actions to end human trafficking. Specifically, Georgia holds 18<sup>th</sup> position among 183 countries. The OSCE considered Georgia's national anti-trafficking referral mechanism as one of the exemplary models and decided to include it in its 2004 Handbook on National Referral Mechanisms.

#### *Legislative amendments*

207. The amendments made to the Criminal Code of Georgia in May 2014 and August 2015 provided a clearer definition of exploitation, helped raise public awareness of the right of trafficking victims on the use services that are specially designed for them and made it safer for the trafficking victims to testify.

208. The Interagency Council on Combating Human Trafficking elaborated legal amendments aimed at preventing facilitation of prostitution and protecting juveniles from involvement in prostitution. The amendments made persuasion of a person to engage in prostitution and/or to engage in other non-violent activity aimed at facilitating persons' involvement in prostitution (pimp business) a criminal offense. The amendments came into force on June 12, 2018.

#### *Institutional changes*

209. For the purposes of proactive detection of human trafficking and punishment of those responsible, the MIA has been operating 4 special groups since 2013. Starting from February 27, 2014, a Task Force comprised of investigators and prosecutors trained and equipped with special expertise and skills to deal with human trafficking cases has been functioning in Achara. The Task Force is responsible for proactive inspection of locations with high risk of trafficking throughout Georgia (such as bars, clubs, saunas, etc.) in order to reveal potential trafficking cases. In the course of their inspection activities, the law enforcement officers act in accordance with the relevant guidelines and Standard Operating Procedures (SOPs).

210. The Labour Inspection Department under the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs of Georgia established in 2015, plays a paramount role in detecting labour exploitation and forced labour cases. Under the Georgian Government Decree N112 of 2016, the Department ensures state supervision to prevent and respond to forced labour and labour exploitation. The Department inspected 99 companies in 2016, 113 companies in 2017 and 154 companies in 2018.

211. Particular attention is paid to the protection of victims and statutory victims of trafficking. A person having the status of a victim of trafficking or a statutory victim of trafficking is entitled to various State-offered services such as psychological and medical assistance, legal assistance, monetary compensation in the amount of GEL 1,000, shelters in Tbilisi and Batumi, and assistance in social reintegration. Crisis Centres are also accessible for potential trafficking victims (when they have no statutory status yet).

212. With regard to prevention of trafficking, the Council on Combating Trafficking in Persons developed a uniform information strategy in 2014. On the bases of this strategy, each agency conducts awareness raising activities (information meetings with various target groups, annual moot court trials played by students, conferences, discussions, elaboration and dissemination of information leaflets). Trafficking issues have also been included in school and university curricula.

## Statistical data on trafficking in persons

	2014	2015	2016	2017	2018	2019 (as of March 31)
Investigations	13	18	20	21	21	7
Prosecutions	5	5	1	4	7	-
Judgments	4	3	2	1	6	1

	2014		2015		2016		2017		2018		2019 (as of March 31)	
	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men
Victims	1	4	3	5	1	-	4	-	2 <sup>8</sup>	-	-	-
Statutory victims	7	-	8	-	2	-	8	-	6	-	-	-

## Article 9

### *Duration of temporary detention and the rights of detainees*

213. Pursuant to the domestic legislation, the maximum term of detention of a person detained under criminal law is 72 hours, during which no later than 48 hours after his arrest, the person shall be brought to a Court.

214. Administrative detention of an administrative offender must not exceed 12 hours. A person whose administrative detention takes place in non-working hours may be detained in a temporary detention isolator until a competent authority examines the case. In this case, the overall detention period shall not exceed 72 hours. Arrested foreigners pending expulsion may be kept in detention for up to 48 hours. Within the 48 hours, a foreigner shall be brought to a court for placing him/her in the Temporary Accommodation Centre (TAC) of the MIA Migration Department.

215. It should be noted that according to 2019 Report of the European Committee for the Prevention of Torture (CPT) published following its visit to Georgia, no violations of the above-mentioned 72-hour time-limit for police custody and no facts of keeping persons detained for more than 12 hours in police stations or detainees staying in a police station overnight have been observed. The report also mentions that the detainees did not report any use of force or ill-treatment by law enforcement officers or the staff of the detention facilities.

216. Detained persons are informed about the reasons of arrest and their family members are put on notice about the detention by the representative of the detaining authority. The same officials are responsible for informing the lawyer if the detained person requests so.

217. Detained persons in Temporary Detention Isolators (TDI) are provided with proper medical services for 24 hours. A detained person has the right to request medical examination at any time and the right to contact and meet her/his lawyer without any limitation.

<sup>8</sup> Both victims were granted the status of statutory victims too.

218. An authorized employee of the TDI shall record information about persons to be placed/placed in the TDIs in the unified electronic database of the persons placed in the isolators.

## **Article 10**

219. For the purpose of preventing torture and other cruel, inhuman or degrading treatment, the Minister of Corrections issued its Order N55 of 25 June 2015 establishing a System Monitoring Unit within the Inspectorate-General at the Ministry. The Unit is responsible for systemic monitoring within the Ministry as well as analysis of problems and gaps detected during such monitoring and submission of appropriate recommendations to the Minister for their elimination.<sup>9</sup>

220. On 23 December 2016, amendments were introduced into the Order of the Minister of Corrections N55 and the new unit under the Inspectorate-General was established responsible for the control of the quality of the healthcare services provided in penitentiary institutions.

221. Alongside reinforced internal control, at the external level, the Ombudsman's powers were expanded. In particular, the Ombudsman's Special Preventive Group became authorized to take photographs inside prisons.

### *Treatment standards*

222. With a view to avoiding prison overcrowding, the Minister of Corrections issued its Order N106 as of 27 August 2015 to determine maximum numbers of accused and convicted prisoners in the penitentiary institutions. The Order N106 is fully compatible with both the Georgian legislation and the international standards.

223. Nutrition and hygiene standards for accused and convicted prisoners are established in penitentiary institutions. Prison dietary requirements are set according to the seasons of the year. Accused and convicted prisoners have a guaranteed right to lodge complaints on issues governed by the Code of Imprisonment.

224. As a result of the structural changes in the Government, in 2018, penitentiary and probation systems have been moved under the umbrella of the Ministry of Justice. Since the merger, the Ministry launched important reforms. On 22 February 2019, the Minister of Justice issued its Order N385 approving "A Strategy for the Development of the Penitentiary and Crime Prevention Systems and a corresponding Action Plan for 2019-2020". The Strategy pays significant attention to augmenting the infrastructure of the penitentiary (including building small-scaled prisons), equal protection of the rights of accused/convicted prisoners and prison staff, enhancing rehabilitation and resocialization programs and strengthening the European model of prison management. There is an ongoing work to determine prison regimes for accused and convicted prisoners separately and to ensure that they are placed in separate institutions. A separation plan will be an outcome of this ongoing work.

### *Rehabilitation and resocialization for accused and convicted prisoners*

225. The role of social workers and psychologists within the penitentiary system has increased. Resocialization and Rehabilitation Department of Convicts has been established supervising social

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<sup>9</sup> As a result of the structural changes in the government in 2018, the Ministry of Corrections merged with the Ministry of Justice.

workers and psychologists employed in the penitentiary establishment. Social workers are specialized and divided into two categories: case managers are professional social workers responsible for risk and needs assessment of convicts and implementation/provision of relevant intervention/services, while case administrators are responsible for technical assistance and coordination in low-risk cases. A risk and needs assessment tool has been revised and there is an ongoing work to improve rehabilitation programs. Screening instruments for identifying serious harm and sexual violence have been developed. These tools are being elaborated jointly by the representatives of the penitentiary, probationary and crime prevention authorities to secure proper cross-cutting management.

226. Improvement of employment opportunities, vocational training, general education and leisure activities for convicts and creation of necessary support systems and infrastructure for these purposes constitutes important aspect of resocialization and rehabilitation. Works have already started for the establishment of Convict Education and Training Centre. At the same time, possibilities are being explored to establish entrepreneurial zone in partnership with employers.

#### *Prison healthcare*

227. The strategic objectives for the improvement of prison healthcare services includes:

- Further improvement of the healthcare services provided to accused and convicted inmates in penitentiary institutions by making them consistent with the quality of services offered outside;
- Identification of narcotic drug and alcohol users and implementation reduction measures through medical and rehabilitation services;
- Providing psychiatric services in the penitentiary and probationary systems and ensuring good quality of these services.

There is an ongoing work to elaborate a pilot Program on “Crisis Management in the Penitentiary” and a Mental Health Strategy.

#### *Parole*

228. Changes made in the Code of Imprisonment on 1 June 2017 further improved a complaints mechanism for challenging parole decisions. More specifically, courts are now empowered to declare a local council’s decision invalid and order the council to make a new decision according to the court’s instruction.

229. A series of amendments to improve the complaint mechanism were introduced in 2017:

- Courts are empowered to hear and adjudicate on pre-term release of the prisoner sentenced to life imprisonment and on replacing the remaining term with a lesser punishment;
- In November 2018, a working group was established to consider further improvement of the current mechanism for pre-term release and to elaborate appropriate recommendation in this respect;
- Home arrest as a new type of sanction was introduced into the Criminal Code on 1 January 2018;
- Since 2015, juveniles and female convicts are assessed on their family and social environment risks and needs based on a pre-determined form and rules (Risk and Needs Assessment Instrument);

- Since 1 December 2017, adult male prisoners are assessed on their family and social environment risks and needs as part of their preparation for release (until 1 December, family and social environment risk and needs assessment was being conducted only in prisons no. 5 and no. 11).

*Temporary detention isolators*

230. Since July 2014, almost all of the existing TDIs have been renovated. In 2018, construction of a new facility for administrative prisoners started in Tbilisi.

231. During 2018, healthcare units were opened additionally in 8 TDIs throughout the country (such units are operational in 15 facilities in total). In 2019, 8 more TDIs will be equipped with own medical units. The newly built detention facility in Rustavi, which is consistent with the modern standards, has its healthcare unit and a juvenile-focused environment. Such juvenile-centered environments will be set up in other cities from 2019. In 2018, a multidisciplinary team was created in the TDI in Tbilisi, which includes a psychologist, a therapist, a narcologist and, if necessary, a psychiatrist. People placed in the TDIs have access to a psychologist's services.

232. During 2014-2016, the staff of the TDIs was trained on the prohibition of torture and cruel, inhuman or degrading treatment or punishment. In addition, through 2016-2018, every employee of TDI has undergone a special training course in the MIA Academy, which offers an in-depth review of issues related to ill treatment. It should be pointed out that the training courses for the healthcare staff of TDI on injury documenting according to the Istanbul Protocol standards that were carried out in several stages during 2015-2018.

*Mental healthcare*

233. Improving mental healthcare services is one of the priorities of the healthcare system development. Since 1995, a State Mental Healthcare Program has been operating. Within the Program, the Government provides 100%-funding of the following mental healthcare services:

- Community outpatient services;
- Psychosocial rehabilitation;
- Mental healthcare services for children (patients under 18 who are demonstrating changes in mental conditions and behaviour, deteriorated social functioning and adaptation failure are examined and diagnosed in a day hospital setting);
- Mental crisis intervention service for adults (aged 16-65);
- Community-based mobile group service;
- Inpatient services (acute cases and long-term inpatient services);
- Psychiatric inpatient services for children with mental disorders;
- Shelter for disabled people with mental disturbances.

234. Furthermore, with the technical assistance from the Council of Europe, there is an ongoing work to produce internal inspection and monitoring mechanisms for mental wards. In June-July 2018, the UN World Health Organization conducted a study of mental institutions in 25 countries, including Georgia, using the WHO QualityRights toolkit. The study aimed at assessing the level of human rights protection at mental hospitals. The WHO QualityRights toolkit questionnaire will be used a basis for elaboration of the document on internal inspection and monitoring mechanisms. In

2018, five staff members from the Ministry were trained in using the WHO QualityRights toolkit questionnaire.

## **Article 11**

235. The catalogue of criminal offenses included in the Criminal Code is exhaustive and there is no crime determined in the Code on inability to fulfil contractual obligations. Information contained in paragraphs 215 and 216 of the Third Periodic Report CCPR/C/GEO/3 is valid in this context.

## **Article 12**

236. Article 14 of the Georgian Constitution stipulates that everyone legally within the territory of Georgia shall, within throughout the territory of the country, have the right to liberty of movement, freedom to choose his/her residence and to leave Georgia. The same article stipulates that rights may be restricted only in accordance with law, in the interests of securing state or public security, protection of health or administration of justice that is necessary for maintaining a democratic society. Citizens of Georgia are free to enter Georgia. A citizen of Georgia may freely enter Georgia.

237. However, there are significant challenges regarding freedom of movement as a result of Russia's occupation of Abkhazia and the Tskhinvali regions of Georgia. As already mentioned, freedom of movement remains one of the biggest challenges in relation to the Occupied Territories. The occupation regimes in Sokhumi and Tskhinvali are trying to restrict free movement of population through imposition of various artificial barriers and illegal detentions and kidnappings (The information in this respect is provided in response to Article 2, §§ 190-192 above).

## **Article 13**

### *Legal regulation of foreigners' entry and stay; the principle of non-refoulement*

238. According to the Article 59(2) of the Law of Georgia on the Legal Status of Aliens and Stateless Persons, aliens shall not be removed to a country where he/she is persecuted for political opinions or for activities not regarded as a crime under the legislation of Georgia; where he/she is persecuted for protecting peace and human rights, for engaging in progressive social- political, scientific and creative activities; where his/her life or health is threatened.

239. Under Article 60 of the Law of Georgia on the Legal Status of Aliens and Stateless Persons, an alien who cannot be removed from Georgia, shall be issued permit for temporary stay in Georgia for a period of 1 year (temporary ID document). The document is renewed every year. After 5 years, the alien may request the relevant competent authority to issue a special residence permit.

240. Article 33 of the 1951 Geneva Convention relating to the Status of Refugees and Article 8 of the Law of Georgia on the Legal Status of Aliens and Stateless Persons, protect asylum seekers and persons subjected to international protection from compulsory expulsion.

241. Obligations stemming from the non-refoulement principle apply to asylum seekers that are subject to extradition or expulsion procedures. Pursuant to Article 56(a) of the Law of Georgia on

International Protection, an asylum seeker has the right not be extradited or expelled from Georgia until the final decision is made with regard to granting international protection to him/her.

242. A decision on expelling a foreigner from Georgia can be appealed according to the rules established by law and it results in suspension of the enforcement of this decision.

243. The Law of Georgia on International Protection entitles asylum seekers to request free-of-charge interpretation services during asylum proceedings and free-of-charge legal assistance during judicial proceedings related to the granting of international protection.

244. Pursuant to the Article 23(1) of the Law of Georgia on International Protection, aliens or stateless persons have the right to request international protection at the state border of Georgia at the moment of their entry into Georgia, as well as during their stay in the territory of Georgia.

245. Absence of travel or other identification documents as well as using a false travel document, an identification document or other official document, will not prevent a foreigner or a stateless person from entering Georgia if they request international protection.

246. Asylum seekers and foreigners illegally staying in the country are detained and placed in a TAC for the purposes of expulsion. The TAC constitutes a unit subordinated to the MIA. The TAC has been functioning since 2014 and it complies with all the international standards from the perspective of human rights protection.

## **Article 14**

247. With the involvement of the Ministry of Justice, important reforms were carried out since 2012 to strengthen the independence of the judiciary and to raise public confidence towards the justice system.

248. The reform of the judiciary was implemented in several stages. Within the so-called first wave of the reform, which started in 2012, attention was focused on depoliticizing and strengthening the independence of the High Council of Justice. Transparency of judicial proceedings was also increased. Within the second wave of the reform, which started in 2013, the principle of lifetime appointment of constitutional judge came into force and at the same time, the appointment of judge for the definite term for the first stage was determined.

249. The third wave of the judiciary reform focused on improving the quality of justice by introducing a legislative definition (that was non-existent before) of the criteria for the selection of judicial candidates. Integrity and competence were set as two legal criteria for selecting judges. Also, all judicial candidates would now be appointed through the competition.

250. An automated case allocation principle was introduced. Activities of the High Council of Justice and the High School of Justice became more transparent. Both the Council and the School are now legally obligated to post their agendas and decisions on their webpages. In 2018, the Ministry of Justice authored a set of draft amendments to mediation law that is supposed to institutionalize court-annexed and private mediation services.

251. In 2018, the Ministry of Justice authored a set of draft amendments to mediation law that is supposed to institutionalize court-annexed and private mediation services. The law on Mediation

was adopted on September 18, 2019, which will enhance access to justice and ensure quick, effective and cheap settlement of disputes. Furthermore, Government of Georgia also brought the most authoritative player into the region - ICC International Court of Arbitration in the field to have signed a Memorandum laying ground for robust cooperation in December 2018. Furthermore, in August 2019 Georgia became one of the first comers who signed the Singapore Convention, which will become the important legal instrument and contributor to multilateral rules-based order. Beyond being an instrument to facilitate enforcement of international settlement agreements resulting from mediation, the deeper intention behind the Singapore Convention is to provide a regulatory foundation to support the rise of mediation into the main international dispute resolution arena alongside arbitration.

## **Article 15**

252. Article 31 of Georgian Constitution stipulates that no one shall be held responsible on account of an action, which did not constitute a criminal offence at the time it was committed. The law that neither mitigate nor abrogate responsibility shall have no retroactive force.

## **Article 16**

253. See the Second Period Report (CCPR/C/GEO/2000/2), paragraphs 394-397.

## **Article 17**

### *Protection of privacy and personal data*

254. By virtue of amendments to the Law on Personal Data Protection, as of 31 March 2015, the Personal Data Protection Inspector has received the power to oversee the legality of undercover investigation activities. As a result of the legal changes effected in March 2017, the Personal Data Protection Inspector has become authorized to stop covert wiretapping and recording of a telephone conversation if the Inspector's office has not been provided with a judicial warrant or a prosecutorial resolution beforehand, in an electronic and/or hardcopy format, or if the data indicated in the electronic and hardcopy warrants/resolutions do not match or contain inaccuracies or are vague. This cancellation mechanism has been used 130 times since the date it came into force.

255. Pursuant to the Law on Personal Data Protection, a citizen may lodge a petition with the Office of the Inspector. The Inspector decides to inspect an organization based on a petition, a report or acting *ex officio*. Through 2015-2018, the number of petitions lodged by citizens tripled. Number of inspections carried out by the Inspector increased too. Statistics are hereby provided for comparison: 54 inspections were conducted in 2015, while 148 inspections were carried out in 2018, which covered a total of 115 state organizations and 355 private entities.

256. Finding a breach by the Inspector will result in fining and warning the breaching subject under the administrative law. Organizations found to have been breached the relevant legislation will also be issued mandatory instructions and recommendations on how to eradicate the existing problems and prevent their occurrence in the future. Since the Inspector became functional, number of violations it has detected has been increasing, with 2018 as an exception. For example, 65 breaches were detected in 2015, 221 cases in 2016, 274 cases in 2017 and 266 cases in 2018.

257. Expansion of the Inspector's competences and increase in the number reports lodged with the Inspector resulted in increased staff and annual budget for the Inspector's Office. While in 2017 the budget was GEL 2,000,000 and the number of staff - 43, in 2018 the Inspector was allocated GEL 2,800,000 and was employing 53 employees. These numbers significantly increased in 2019, with 87 staff members employed and GEL 4,400,000 allocated. The budget of the Service in 2020 has almost doubled and amounts to GEL 8,000,000.

258. Since 10 May 2019, the State Inspector's Service replaced what was previously a Personal Data Protection Inspector. Overseeing the legality of processing personal data remains as one of the major tasks of the newly established Office. The Inspector reports to the Parliament and public through annual activity reports.

#### *Rules related to surveillance technologies*

259. Under Articles 157-157<sup>1</sup> of the Criminal Code, it is a crime to illegally acquire, store, use and disseminate private life information and personal data, and to illegally acquire, store, use, disseminate or otherwise make available a private secret.

260. Undercover videotaping, audiotaping and/or photographing constitute secret investigative actions under the Criminal Procedure Code that may be carried out on the basis of a judicial warrant or, in urgent cases, on the basis of a reasoned decision (resolution) of a prosecutor. Secret investigative actions are carried out due to urgent public necessity and are a necessary in a democratic society for the achievement of legitimate aims of state security or ensuring public safety, for the prevention of disorder or crime, for the protection of the interests of a country's economic welfare or any other person's rights and freedoms. The Personal Data Protection Inspector – now the State Inspector's Service (since 10 June 2019) – shall be informed whenever such an operation is carried out.

#### *Rights of convicted and remand prisoners*

261. The Code of Imprisonment ensures to women prisoners a range of forms of visitation so that they are able to maintain relationship with their families.

- A short-term visitation lasts one to two hours. Women prisoners are allowed to have 3 short-term visitations a month. As a form of incentive, they may be granted the right to an additional visitation a month;
- A family visit lasts up to 3 hours. Women prisoners are entitled to 1 family visit per month. They may be granted an additional family visit per month as a form of incentive;
- A video visitation should not exceed 15 minutes. A video visitation with a women prisoner may be arranged once in the period of 10 calendar days. An additional video visitation in a month may be granted as a form of incentive;
- An extended visit lasts not more than 23 hours. Women prisoners are entitled to 3 extended visits per year. 2 additional extended visits may be granted as a form of incentive. In addition to that, a woman prisoner may petition the prison director who can then make a recommendation to the Director of the Penitentiary Department to extend such visit for up to 47 hours once in a year.
- A mother can petition and a caregiving authority may make a recommendation to a prison director to allow a child aged under 3 to live together with their mother in a special institution for women. A women prisoner whose child has left her institution having

reached the age of 3 may, by decision of the Director of Penitentiary Department, in order to maintain relations with the child, leave her institution on holidays and day-offs envisaged by the Georgian law during 1 year after the child has left the institution. This entitlement is an addition possibility for women prisoners to keep their family relations.

- As for women remanded in custody, they are entitled to up to 4 short-term visitations per month. This right may be subjected to limitation only by the decision (resolution) of an investigator or a prosecutor.

262. The Code of Imprisonment and the Ministerial Order of the Minister of Corrections N157 dated 2 November 2015 on the “Implementation of the Right of Accused and Convicted Prisoners to meet with their Lawyer/Counsel” ensures unimpeded enjoyment of the right of accused and sentenced person to meet with their lawyer/counsel without any limitation or interference.

263. In 2014, amendments were made to legal acts governing the operation of detention facilities. As a result, persons detained under the administrative rule can make more telephone calls and can receive more visits from their relatives. To date, persons who have been in administrative detention for more than 6 days are entitled to 2 visitations and 2 phone calls.

## **Article 18**

264. See responses to paragraph 18 of the Committee’s concluding observations.

## **Article 19**

265. The Georgian Constitution protects the freedom of thought and expression. It stipulates that no one shall be persecuted for their thoughts or expression of their thoughts. Everyone has the right to freely receive and impart information (Article 17).

266. The Government of Georgia guarantees media freedom and pluralism. The broadcasting media policy in Georgia is considered as one of the most liberal across the Europe.

267. According to the Global Press Index 2019, Georgia ranks 60<sup>th</sup> across the globe in terms of freedom of expression, which is an important improvement since 2012, when Georgia ranked 104<sup>th</sup> place on list.

268. According to the applicable law, any natural person or legal entity can start broadcasting in only 10 days. To do so, they have to go through a simple authorization process without the need for obtaining any licenses any more. The simplified procedure and the liberal policy have resulted in a significant increase in the number of broadcasters and a much more diverse media environment.

269. For comparison, if there were 4 national broadcasters before 2012 (including the Public Broadcaster), there are 19 national open live broadcasters operating currently. In total, 98 broadcasters are functioning nowadays while this figure, including regional and cable television stations, was only 54 before 2012.

270. In 2015, Georgia completely shifted from analogue to digital over-the-air television broadcasting. To date, there are three digital multiplex platforms across the country and one multiplex platform for the Public Broadcaster’s television and radio centre. In Tbilisi, there is a

multiplex platform for Tbilisi. In addition, 25 platforms are operational in the regions, including ethnic and religious minority regions.

## **Article 20**

271. Prohibition of racial discrimination as a criminal offense under Article 142<sup>1</sup> of the Criminal Code covers actions directed at engendering ethnic or racial animosity or controversy.

272. Calling for forcible change of Georgia's constitutional order or for ousting the Government is a crime under Article 317. Furthermore, publicly calling for terrorism (Article 330<sup>1</sup>) and calling for planning, preparing, starting or implementing an act of aggression (Article 405) constitute crimes.

273. In 2015, a new provision was inserted in the Criminal Code making it a criminal offense to publicly call for a violent action. In particular, the provision reads: "In order to cause controversy to happen between (or among) racial, religious, national, county, ethnic, social, political, linguistic and/or other groups of people, publicly calling for a violent action, by oral, written or other means of expression, if that call creates a manifest, direct and substantial threat of violent action being implemented."

274. The Constitution prohibits establishing or engaging in a political party that propagates war or violence or fuels national, ethnic, county, religious or social animosity (Article 23(3)).

275. When organizing or holding a rally or a manifestation, it is prohibited to make appeals that propagate war or violence or fuel national, ethnic, county, religious or social animosity, if they create a manifest, direct and substantial threat that any of the actions envisaged by this paragraph will be carried out.<sup>10</sup>

## **Article 21**

276. The Georgian Constitution guarantees the freedom of assembly and manifestation. Everyone except those enlisted in the defence forces or bodies responsible for state and public security shall have the right to gather publicly and unarmed, without prior permission. The law may prescribe the duty of prior notification of the authorities in case where assembly is held on public thoroughfare. The authorities may terminate the gathering only if it becomes illegal (Article 21).

277. The Law on Assembly and Manifestations regulates implementation by individuals of their constitutional rights to gather publicly and unarmed, both indoors and outdoors, without prior permission.

## **Article 22**

278. The Constitution guarantees the freedom of association. Individuals are free to establish and join trade unions. The right to strike is recognized by the Constitution (Article 26). Rules of

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<sup>10</sup> Law on Assembly and Manifestations, Article 11.

establishing trade unions, rights of trade unions and guarantees for their operation are regulated by the Law on Trade Unions, which was transformed to an organic law in 2018.

279. Non-profit legal entities, including trade unions, human rights organizations and other non-commercial entities are registered by the National Agency of Public Register in the registry of commercial and non-commercial (non-profit) legal entities on the basis of the Civil Code, the Law on Entrepreneurs, the Law on Public Registry and other related legal acts. Citizens of Georgia are entitled to establish and participate in a political party in accordance with the Organic Law on Citizens' Political Associations that regulates founding and registration of political parties.

280. There is a simplified legal entity registration procedure in place and it takes only 1 day to register an entity. The Agency's decision to register an entity and the subsequent document (a certificate) from the registry are electronically verified documents, which can be downloaded from the Agency's website without having to physically go there.

281. There are 25,416 non-commercial entities and 24,534 commercial entities registered in the registry of commercial and non-commercial (non-profit) legal entities. 231 political subjects are registered in the registry of political associations (political parties).

## **Article 23**

282. The Constitution stipulates that marriage is voluntary and that spouses are equal to each other in their rights (Article 30).

283. Only a person aged 18 can enter into a marriage. Early marriage is prohibited by law. For more information, please see response the Recommendations 7, §§ 30-34.

284. Pursuant to the Constitution, the State cares for healthcare and social protection of individuals, for ensuring subsistence allowance and decent housing and for the protection of the welfare of families. The State helps citizens to get employment. Conditions of providing subsistence allowance are determined by law (Article 5).

285. In order to eradicate extreme forms of poverty and reduce social risks in the country, a Social Assistance Program directed at poverty reduction/prevention has been implemented. The Program covers all citizens of Georgia, including national minorities. Principles of fairness and impartiality are cornerstone principles in the process of solution of the issues relating to providing guarantees of the social protection to population.

286. It should be pointed out that concrete individuals to benefit from the targeted State social assistance program are those in most need who are determined by a State-run system of evaluation. In particular, families registered in the unified database of socially unprotected families are eligible for inclusion in the Program.

287. Since 2015, a Socio-Economic Evaluation of Families Methodology approved by the Government Decree N758 of 31 December 2014 came into force. According to the Methodology, a family is eligible for subsistence allowance if it has no income or a property that generates income. The Methodology takes into account the needs of an individual family and any special conditions of its members (such as people with disabilities, persons suffering from chronic diseases, juveniles, retired citizens, etc.). Subsistence allowances are paid based on a grading system: the higher score

a family has, the larger amount of allowance it is entitled to. In addition, child benefits have been introduced. Coverage of children and families with children has increased. Since 2019, families registered in the unified database of socially unprotected families whose ranking score equals or exceeds 100,000 and have children aged under 16, are entitled to an increased child payment: GEL 50 instead of GEL 10.

## **Article 24**

### *Birth registration*

288. The Law on Civil Status Acts envisages mandatory birth registration of child of a Georgian citizen, a stateless person having the status in Georgia who was born abroad and the birth of a child born in Georgia, including registration of the birth of foreigners who are staying in Georgia illegally. Birth registration is performed without any discrimination on account sex, race, colour, language, religion, political or other views, national or social origin, belonging to a national minority, property status or any other grounds.

289. It is important to mention the amendment to the Law on Civil Status Acts and the Civil Status Registration Rules approved by the Decree of the Minister of Justice N18 of 31 January 2012. For the purposes of registering births and deaths on the territory of Georgia, the amendment makes it possible to use documents issued by unlawful bodies (officials) in Georgia's Occupied Territories in the proceedings before the Georgian authorities. The amendment also allows using marriage and/or divorce documents issued by the unlawful bodies in the Occupied Territories to determine parent data in the proceedings before the Georgian authorities for ascertaining fact of legal significance regarding a person's birth.

290. In addition to birth registration and issuance of the relevant documents, based on a request of a caregiving authority, offices of the Public Services Development Agency will issue identification documents to juvenile victims of violence free of charge. Also, socially unprotected persons (whose score is lower than 70,001) are issued personal identification documents free of charge. Further, as already mentioned, homeless children can also get their ID documents free of charge.

291. The Public Services Development Agency has developed the concept of "Community Centres". Through the Community Centres, residents can make use of more than 200 services offered by various public and private organizations locally in their home villages. Birth registration is just one example of the services available at the Community Centres. The Community Centres in rural areas have significantly improved population registration in Georgia and their provision with various documents, including birth certificates.

292. As of December 2019, 74 Community Centres are operational throughout the country, including in the regions with national and ethnic minorities.

293. Through 2016-2017, the Ministry of Justice continued registration of Roma people. Appropriate procedures were carried out to resolve issues related to birth registration, citizenship and issuance of personal identification documents. Through 2014-2019, 19 Roma people received their legal statuses. The Roma have access to free of charge legal advice.

## *Implementing special measures to protect children deprived of the family environment*

294. Pursuant to the Civil Code, parents may be imposed limitation, suspension or deprivation of their parental rights and duties if they fall short of or improperly perform their duties. In Georgia, this process is managed by social workers who produce evaluation reports, which are then relied on by courts. Exceptions are the situations when parental rights and duties are considered suspended without a judicial decision (and child is placed under 24-hour caregiving). In that latter case, a child is being separated from their parents and the caregiving authority decides to place the child in alternative care, based on the principle of the best interests of the child. If the child is given the status of a child for adoption, an adopting family will be selected for the final child adoption.

295. There are the following forms of alternative care: foster care by relatives, regular foster care, emergency foster care, substitution foster care and specialized foster care.

296. If relatives willing to take a child in foster care cannot be found, the child can be placed under regular foster care. In case of children with special needs, they can be placed in specialized foster care. In urgent situations, a child can be placed in an emergency foster care.

297. One alternative is placing a child in need of care in a small family-type home. Such homes are available for children, disabled children and children with heavy and deep limitations and health issues.

298. Shelters for mothers and children have been established to help prevent new-born abandonment.

299. There are special mobile groups established for homeless children (children living and working in the street). A mobile group includes a psychologist, a senior social worker, a peer educator and a driver. Day-care centres and 24-hour shelters are also available to homeless children.

300. On 22 March 2016, the Law of Georgia on the Exit from and Entry into Georgia of Georgian Citizens and the Legal Status of Foreigners and Stateless Persons were amended in order to uphold the best interests of children born as a result of extracorporeal insemination (surrogacy), to prohibit their smuggling from Georgia in breach of the Georgian law and to protect them from becoming victims of various illegal actions such as trafficking in persons.

301. According to the above-mentioned amendments, children born as a result of extracorporeal insemination (surrogacy) can be taken abroad only if both parents of the child are indicated in the birth record of the Ministry of Justice “Public Services Development Agency”.

302. Under the new rules, if it is found during the passport control procedure that according to the Agency’s database a child departing from Georgia for the first time is a child born as a result of extracorporeal insemination (surrogacy) and their birth record does not contain the names of both parents or the Agency has not registered their birth, the competent official of the Georgian Interior Ministry shall adopt decision on refusal to allow the child to leave the country (cross the State border). These amendments came into force on 11 April 2016.

## **Article 25**

303. Supporting an inclusive electoral environment is set as a priority for the Election Administration (EA) of Georgia in its Strategic (2015-2019) and Action Plans.

304. Standing working groups on persons with disabilities and ethnic minorities, as well as a Gender Equality Council are established at the Central Election Commission (CEC) of Georgia.

*Supporting voting rights of the persons with disabilities*

318. In order to inform voters with disabilities, during the reporting period, all TV ads placed at various broadcasters were accompanied by sign language. Since 2016, special video ads on services accessible for persons with disabilities were released, news briefings were accompanied by sign language and the CEC official webpage ([www.cesko.ge](http://www.cesko.ge)) was accessible for blind and visually impaired persons. During the election period, deaf and hearing-impaired voters were able to receive election-related information through video-call service from the CEC operators using sign language.

319. Since 2014, election subjects' political/pre-election advertisements placed at all broadcasters were accompanied by sign language.

320. During 2014-2018, 25 grant projects submitted by local NGOs, which aimed at educating and supporting the participation of PWDs in electoral process, were funded and the budget amounted up to 1 000 000 GEL.

321. Since 2016, beneficiaries of support are entitled to participate in elections, referendum and plebiscite if they are not placed at relevant inpatient facility.

322. During the election period, all Precinct Election Commission members received intensive trainings on the etiquette of communicating and following the behavioural norms in relations with the persons with disabilities. Trainings were conducted through special instructions and learning video clip.

323. The following services are created for independent participation of the persons with disabilities in elections: tactile ballot guide at all election precincts for blind voters, magnifying sheets at all election precincts for vision impaired voters; poster on E-day procedures for deaf and hearing impaired persons as well as beneficiaries of support at all electoral precincts, special voting booth for wheel-chair users at adapted polling stations (464 voting booths in 2014, 1115 in 2015, 1156 in 2017 and 1268 in 2018).

324. CEC has defined the special voting procedures for the persons with physical disabilities (no upper limbs), as well as procedures to be registered/deregistered as a candidate for MP, Member of Sakrebulo and Mayoral Candidate.

325. 46 persons with disabilities were employed at Election Administration at various positions during 2014-2018.

*Supporting the voting rights of ethnic minorities*

326. In order to inform the voters densely populated in ethnic minority regions, during the reporting period the CEC ensured translating and distributing election-related materials,

information flyers, video ads, as well as ads on suggested services into Armenian and Azerbaijani languages. Accessibility of unified voters' list search system (voters.cec.gov.ge), opportunity to receive the election related information at the CEC Call/Contact Centre via operators speaking ethnic minority languages (Armenian and Azerbaijani), translating various electoral materials for PEC members speaking in Armenian and Azerbaijani languages are ensured by the Election Administration of Georgia. In addition various educational-informational programs and campaigns were implemented by Georgian EA.

327. In 2014-2018, 49 grant projects submitted by the local NGOs aiming at educating and supporting participation of ethnic minorities in election process, were funded and the total budget amounted more than 1 000 000 GEL.

#### *Supporting Gender Equality*

328. Election Administration has approved the Gender Equality Policy Document that aims at institutional capacity building of the CEC, promoting gender equality in electoral processes. Since 2014, election-related information is being processed in gender perspective and gender disaggregated data is being produced according to voters' gender, nominated candidates/elected ones, electoral stakeholders and commission members.

329. To support the gender participation in electoral processes, during 2014-2018, 28 grant projects submitted by the local non-governmental organizations were funded and the budget amounted more than 1 000 000 GEL.

330. During 2015-2018, training module on gender equality issues was incorporated along with other important topics in educational programs implemented by Georgian Election Administration.

331. During 2016-2017 Election Administration conducted training courses on electoral issues for the potential women candidates

### **Article 26**

305. See responses in relation to paragraphs 6-9 of the Concluding Observations of the Committee.

### **Article 27**

306. See responses in relation to paragraph 19 of the Concluding Observations of the Committee.