

evropis sabWos ministrTa komitetis rekomendacia # (92) 16

wevri saxelmwifoebisadmi

sazogadoebrivi sanqciebisa da RonisZiebebis evropuli wesebis Sesaxeb

*(miRebulia ministrTa komitetis mier 1992 wlis 19 oqtombers ministrTa moadgileebis 482-e
Sexvedraze)*

ministrTa komiteti, evropis sabWos wesdebis 15.b muxlis Tanaxmad, iTvaliswinebs:

evropis sabWos wevr saxelmwifoebSi sisxlis samarTlis sferoSi saerTaSoriso TanamSromlobis gaumjobesebisatvis sisxlis samarTlis politikis saerTo principebis Camoyalibebis mniSvnelobas;

wevr saxelmwifoebSi sanqciebisa da RonisZiebebis gamoyenebis sferoSi miRweul mniSvnelovan winsvlas;

rom es sanqciebi da RonisZiebebi warmoadgendas danaSaulTan brZolis mniSvnelovani meqanizmebis nawils da xels uwyobdes patimrobris sasjelis gamoyenebis uaryofiTi zegavlenis Tavidan acilebas;

am sanqciebisa da RonisZiebebis SemuSavebis, dakisrebisa da implementaciis mizniT, saerTaSoriso normebis SemuSavebis mniSvnelobas;

da rekomendacias aZlevs wevri saxelmwifoebis mTavrobebs, rom sakuTari erovnuli kanonmdeblobisa da praqtikis ganxorcielebisas ixelmZRvanelon sazogadoebrivi sanqciebisa da RonisZiebebis evropuli wesebis teqstSi gacxadebuli principebiT, romlebic Tan erTvis winamdebare rekomendacias maTi Semdgomi ganxorcielebisas da, SeZlebisdagvarad, moaxdinon am teqstis farTod gavrceleba.

#(92) 16 rekomendaciis danarTi

preamble

winamdebare wesebi miznad isaxavs:

- a. iseTi standartebis dawesebas, romlebic erovnul kanonmdeblebs da Sesabamis praqtkosebs (gadawyvetilebis miRebasa da aRsrulebaze pasuxismgebel Tanamdebobis pirebs) sazogadoebrivi sanqciebisa da RonisZiebebis samarTlianad da efeqturad gamoyenebis saSualebas miscems. gamoyeneba mimarTuli unda iyos imaze, rom moinaxos saWiro balansi, erTi mxriv, sazogadoebis dacvis aucileblobasa (rogorcakanonmdeblo wesrigis dacvis, aseve, dazaralebulTaTvis miyenebuli zaralis anazRaurebas) da, meore mxriv, samarTaldamrRvevis socialuri mowyobis/Seguebis saWiroebis aRiarebas Soris;
- b. uzrunvelyos wevri saxelmwifoebi ZiriTadi kriteriumebiT, raTa sazogadoebrivi sanqciebisa da RonisZiebebis SemuSaveba da gamoyeneba moicavdes garantiebs, rom moxdeba amgvar sanqciebsa da RonisZiebebs daqvemdebarebul samarTaldamrRvevTa uglebebis darRvevis ZiriTadi safrTxeebis Semcireba. aseve, mniSvnelovania amgvari sanqciebisa da RonisZiebebis ganxorcielebisgan dacva im SemTxvevaSi, rodesac amas SeiZleba Sedegad mohyves romelime konkretuli socialuri jgufisaTvis miyenebuli zarali/ziani. srulad unda iqnes gaTvaliswinebuli socialuri upiratesobebi da naklovanebebi, aseve, potenciuri riskebi, romlebic SesaZloa gamowveuli iyos amgvari sanqciebiTa da RonisZiebebiT. patimrobris zomis Canacvlebis martivi mizani ar amarTlebs sanqciebisa da RonisZiebebis gamoyenebas an raime sxva meqanizmis ganxorcielebas.
- g. SesTavazos naTeli wesebi sazogadoebisaTvis sasargeblo Sromisa da sxva RonisZiebebis implementaciaze pasuxismgebel Tanamdebobis pirebs da am sferoSi CarTul sxva adamianebs imis uzrunvelsayofad, rom aRniSnuli RonisZiebebis aRsruleba Seesabamebodes dadgenil pirobebs, rac met sarwmunoobas Sematebs sanqciebsa da RonisZiebebs. Tumca, es imas ar niSnavs, rom aRsruleba unda iyos sworxazovani da formaluri. piriqiT, aRsruleba unda moxdes individualuri midgomebiT, rac gulixmobs samarTaldarRvevasa da sasjels Soris Sesabamisobis miRvevas, aseve, sasjelis Sesabamisobas samarTaldamrRvevis pirovnul maxasiaTeblebsa da SesaZleblobebTan. ufro metic, im faqtma, rom SesaZlebelia miTiTeba gakeTdes saerTaSorisod aRiarebul wesebze, xeli unda Seuwyos gamocdilebis gaziarebas samuSao meTodebTan dakavSirebiT.

unda aRiniSnos, rom am wesebis farglebSi Sefardeboli sazogadoebrivi sanqciebi da RonisZiebebi gansakuTrebiT Rirebulia samarTaldamrRvevisaTvis da, aseve, sazogadoebisTvisac, radganac samarTaldamrRvevs mainc aqvs ufleba, airCios da gaacnobieros Tavisi socialuri pasuxismgebloba. izolaciis nacvlad sadamsjelo sanqciebis sazogadoebaSi aRsrulebas, grZelvadian perspeqtivaSi, SeuZlia SemogyTavazos sazogadoebis ukeTesi dacva, ra Tqma unda, dazaralebulis interesebis an dazaralebulis dacviT.

Sedegad, sazogadoebrivi sanqciebisa da RonisZiebebis dakisreba da implementacia unda xorcieldebodes samarTaldamrRvevTan, rogorc pasuxismgeblobis mqone adamianTan mopyrobiT.

winamdebare wesebi ganixileba ra cixis evropuli wesebis paralelur wesebad, ar miiCneva modelad. es wesebi qmnis im moTxovnaTa erTobliobas, romlebic sazogadod miRebulia da romlebsac iyeneben. am moTxovnaTa gaTvaliswinebis gareSe ar moxdeba sazogadoebrivi sanqciebisa da RonisZiebebis damakmayofilebeli aRsruleba.

sakuTari gamocdilebisa da mravalmxrivi xedvidan gamomdinare, evropis sabWos unari Seswevs, ganWvritos, rom es wesebi daexmareba erovnul kanonmdeblebsac da aRmsruleblebsac.

winamdebare wesebis debulebepi exeba yvela sanqciisa da RonisZiebas, romlebic aRsuldeba sazogadoebaSi, rogorc es terminTa ganmartebaSia miTiTebuli, maT Soris, sasjelaRsrulebis dawesebulebis gareT sasjelis aRsrulebas. Tumca, RonisZiebebi, romlebic arasrulwlovnebs exeba, am wesebiT ar regulirdeba.

pirveli nawili – zogadi principebi

wesi 1

winamdebare wesebi gamoiyeneba miukerZoeblad.

wesi 2

danarTSi warmodgenili terminebis ganmartebaTa leqsikoni winamdebare wesebis ganuyofeli nawilia.

Tavi I – kanonmdebloba

wesi 3

sazogadoebrivi sanqciebisa da RonisZiebebis ganmarteba, miReba da gamoyeneba gansazRvruli unda iyos kanoniT.

wesi 4

gadawyvetilebis miRebaze uflebamosili organos mier dawesebuli sazogadoebrivi sanqciebisa da RonisZiebebis pirobebi da valdebulebebi gansazRvruli unda iyos gasagebi da detaluri sakansonmdeblo debulebebiT, iseve, rogorc am pirobebisa da valdebulebebis Seusruleblobis Sedegebi.

wesi 5

arc erTi sazogadoebrivi sanqcia an RonisZieba ar unda iyos ganusazRvreli xangrZlivobis.

sazogadoebrivi sanqciisa da RonisZiebis xangrZlivobas gansazRvravs uflebamosili organo, kanoniT gansazRvruli pirobebis farglebSi.

wesi 6

sazogadoebrivi sanqciebisa da RonisZiebebis xasiaTi da xangrZlivoba unda Seesabamebodes rogorc samarTaldamrRvevis mier Cadenili danaSaulis simZimes, romlisTvisac Seefarda sasjeli, an romelSic adanaSauleben, aseve, gaTvaliswinebuli unda iyos misi piradi garemoebibi.

wesi 7

sazogadoebrivi sanqciebisa da RonisZiebebis ganxorcielebaze pasuxismgebeli organoebi unda ganisazRvros kanoniT.

ganxorcielebaze pasuxismgebeli organoebis valdebulebebi da pasuxismgeblobac kanoniT unda ganisazRvros.

wesi 8

kanoniT unda ganisazRvros ganxorcielebaze pasuxismgebeli organoebis uflebamosileba, miiRos gadawyvetileba ganxorcielebis meTodebis Sesaxeb, saWiroebis SemTxvevaSi, ganxorcielebis valdebulebis mesame mxarisaTvis delegirebis Sesaxeb, an ganxorcielebis Sesaxeb SeTanxmebis dadebaze samarTaldamrRvevTan, sxva organoebTan an mesame mxaresTan.

wesi 9

im SemTxvevaSi, Tuki samarTaldamrRvevi ar asrulebs sazogadoebrivi sanqciis Tu RonisZiebis gadawyvetilebiT gansazRvrul pirobebs an valdebulebebs, samarTaldamrRvevis dakavebisa da dapatimrebis RonisZiebis gamoyenebas kanoni aregulirebs.

wesi 10

kanonSi ar unda iyos debuleba sazogadoebrivi sanqciis an RonisZiebis avtomaturad patimrobiT Secvlis Sesaxeb, mocemuli sanqciis an RonisZiebis romelime pirobis Tu valdebulebis Seusruleblobis SemTxvevaSi.

wesi 11

kanoni unda gansazRrvavdes ganxorcielebaze pasuxismgebeli organoebis mier Sesrulebuli samuSaos regularul da gare Semowmebas. amgvari Semowmeba kvalificurma da gamocdilma pirebma unda ganaxorcielon.

Tavi II – sasamarTlo garantiebi da saCivrebTan dakavSirebuli procedurebi

wesi 12

sazogadoebrivi sanqciis, RonisZiebis an winaswari RonisZiebis dakisrebis Tu gauqmebis gadawyvetilebas sasamarTlo iRebs.

wesi 13

samarTaldamrRvevs ufleba unda hqondes, sarCeli SeitanoS ufr maRali instanciis organoSi, raTa gaasaCivros gadawyvetileba, romlis safuZvelzec daekisra sazogadoebrivi sanqcia an RonisZieba,

anda ufleba unda hqondes, amgvari sanqciis an RonisZiebis modifcirebis moTxovniT Seitanos sarCeli.

wesi 14

sazogadoebrivi sanqciis an RonisZiebis ganxorcielebis gadawyvetilebis winaaRmdeg sarCeli sasamarTlos waredgineba nebismier dros, roca samarTaldamrRvevs gauCndeba gasaCivrebis survili im motiviT, rom misi Tavisuflebis SezRudva an miRebuli gadawyvetileba arakanonieria, an ewinaaRmdegeba dakisrebul sanqcias da RonisZiebas.

wesi 15

gasaCivrebis procedura xelmisawvdomi unda iyos samarTaldamrRvevisaTvis, romelsac survili aqvs saCivari Seitanos gadawyvetilebaze pasuxismgebeli organos mier miRebul aRsrulebis gadawyvetilebasa an amgvari gadawyvetilebis miuReblobasTan dakavSirebiT.

wesi 16

sarCelis Setanis procedura martivi unda iyos. saCivrebi ganxiluli unda iqnes swrafad da usafuZvlo gadadebis gareSe.

wesi 17

saCivrebis ganmxilvelma organom unda moipovos yvela saWiro informacia, raTa SeZlos saCivrebis Sesaxeb gadawyvetilebis miReba. yuradRebiT unda iqnes ganxiluli, Tu ramdenad mizanSewonilia, rom mosmenaze momCivani Tavad gamovides, gansakuTrebiT im SemTxvevaSi, Tu man TviTon gamoTqva amis survili.

wesi 18

saCivrebis ganmxilveli organos gadawyvetileba da gadawyvetilebis safuZvlebi werilobiT unda acnobon momCivansa da ganmaxorcielebel organos.

wesi 19

samarTaldamrRvevs nebarTva unda mieces, isargeblos mis mier SerCeuli piris an oficialurad daniSnuli advokatis daxmarebiT, Tuki amgvari daxmarebis kanonieri safuZveli arsebobs. aseTi

nebarTva samarTaldamrRvevs unda mieces im SemTxvevaSi, rodesac mas survili aqvs, isargeblos sazogadoebrivi sanqciis an RonisZiebis dakisrebis, modifikasiis an gauqmebis Sesaxeb miRebuli gadawyvetilebis gasaCivrebis utlebiT an utlebiT, rom gaasaCivros amgvari sanqciis an RonisZiebis aRsrulebis gadawyvetileba.

Tavi III – ZiriTadi utlebebis pativiscema

wesi 20

sazogadoebrivi sanqciebisa da RonisZiebebis dakisrebisa da ganxorcielebisas dauSvebelia diskriminacia rasobriv safuZvelze, kanis feris, eTnikuri warmomavlobis, erovnebis, sqesis, enis, religiuri mrwamsis, politikuri Tu sxva Sexedulebebis, ekonomikuri, socialuri an sxva statusis, fizikuri an gonebrivi mdgomareobis safuZvelze.

wesi 21

sazogadoebrivi sanqcia an RonisZieba, romelic zRudavs samarTaldamrRvevis samoqalaqo an politikur utlebebs, ar unda daekisros, Tuki is ewinaaRmdegeba saerTaSoriso sazogadoebis mier adamianis utlebebsa da ZiriTad TavisuflebebTan dakavSirebiT aRiarebul normebs. es utlebebi ar unda izRudebodes sazogadoebrivi sanqciis an RonisZiebis ganxorcielebisas imaze metad, vidre es sanqciis an RonisZiebis dakisrebis gadawyvetilebiTaa nagulisxmebi.

wesi 22

nebismieri sazogadoebrivi sanqciis, RonisZiebis xasiaTi da ganxorcielebis xerxi samarTaldamrRvevis utlebebis saerTaSoriso garantiebTan SesabamisobaSi unda iyos.

wesi 23

sazogadoebrivi sanqciebisa da RonisZiebebis aRsrulebis xasiaTi, Sinaarsi da meTodebi ar unda arRvevdes samarTaldamrRvevis an misi ojaxis wevrebis piradi cxovrebis ulebas, ar unda Seuracxyofdes maT Rirsebas da ar unda iwvevdes maT Sewuxebas. aseve, safrTxe ar unda daemuqros samarTaldamrRvevis Rirsebas, ojaxur urTierTobebs, sazogadoebasTan kavSirebs da sazogadoebaSi funqcionirebis unars. miRebul unda iqnes usafrTxoebis zomebi

samarTaldamrRvevis Seuracxyofis, aramarTebuli cnobismoyvareobisa an sajaroobisagan dasacavad.

wesi 24

aRmasrulebeli organos nebismieri instruqcia, maT Soris, gansakuTrebiT kontrolis moTxovnebTan dakavSirebuli instruqciebi, unda iyos praqtikuli, zusti da Semoifarglebodes mxolod imiT, rac aucilebelia sanqciis an RonisZiebis efeqturi aRsrulebisaTvis.

wesi 25

sazogadoebrivi sanqcia an RonisZieba arasodes gulisxmobs samedicino-fsiqologjur mkurnalobas da procedurebs, romlebic ar Seesabameba saerTaSorisod aRiarebul eTikur standartebs.

wesi 26

sazogadoebrivi sanqciis an RonisZiebis aRsrulebis xasiaTi, Sinaarsi da meTodebi ar unda moicavdes fizikuri an mentaluri zianis Seusabamo risks.

wesi 27

sazogadoebrivi sanqciebisa da RonisZiebebis aRsruleba ar unda aZlierebdes mis mtkivneul xasiaTs.

wesi 28

sazogadoebrivi sanqciebisa da RonisZiebebis dakisreba an aRsruleba ar unda zRudavdes socialuri dacvis sistemaSi arsebuli SeRavaTebiT sargeblobis uflebebs.

wesi 29

im SemTxvevebSi, rodesac aRmasrulebel organoebs sazedamxedvelo funqciebis ganxorcielebaSi sazogadoebrivi organizaciebi an calkeuli pirebi exmarebian, mowodebuli momsaxurebebis dadgenil moTxovnebTan Sesabamisobis pasuxismgebloba ekisreba aRmasrulebel organoebs. aRmasrulebelma organom unda miiRos Sesabamisi gadawyvetileba, Tuki amgvarad warmodgenili daxmareba moTxovnebs ar akmayofilebs.

aRmsrulebelma organoebma gadawyvetileba unda miiRon im qmedebasTan dakavSirebiT, romelic maSin unda ganxorcieldes, Tuki zedamxedvelobis saqmianobebis Sedegad gamovlindeba, rom samarTaldamrRvevma ar daakmayofila piroba valdebuleba an instruqcia dakisrebuli sazogadoebrivi sanqciis/RonisZiebis Sesabamisad.

Tavi IV – samarTaldamrRvevis mxridan TanamSromloba da Tanxmoba

wesi 30

sazogadoebrivi sanqciebisa da RonisZiebebis dakisreba da ganxorcieleba unda emsaxurebodes samarTaldamrRvevis mier zogedad sazogadoebis da konkretulad dazaralebulebis mimarT pasuxismgeblobis grZnobis Camoyalibebas.

wesi 31

sazogadoebrivi sanqcia an RonisZieba mxolod im SemTxvevaSi unda iyos gamoyenebuli, rodesac cnobilia, Tu ra pirobebi da valdebulebebia marTebuli da mzad aris Tu ara samarTaldamrRvevi TanamSromlobisa da maTi aRsrulebisaTvis.

wesi 32

samarTaldamrRvevis mier masze dakisrebuli sazogadoebrivi sanqciis an RonisZiebis Sesabamisi pirobebis an valdebulebebis Sesruleba unda dadgindes rogorc misi individualuri saWiroebebis, aseve, misi SesaZleblobebis, ufllebebisa da socialuri valdebulebebis gaTvaliswinebiT.

wesi 33

samarTaldamrRvevs, sazogadoebrivi sanqciis an RonisZiebis dakisrebis Sesaxeb gadawyvetilebis formaluri dokumentis miRebis garda, dakisrebuli RonisZiebebisda sanqciebis ganxorcielebis dawyebamde, unda miewodos informacia misTvis gasageb enaze da, Tu saWiroa, werilobiTac sanqciis an RonisZiebis xasiaTisa da miznis, aseve, Sesabamisi pirobebis an valdebulebebis Sesaxeb.

wesi 34

sazogadoebrivi sanqciis an RonisZiebis ganxorcieleba imgvarad unda iyos dagegmili, rom uzrunvelyos samarTaldamrRvevis mxridan TanamSromloba da dakisrebuli sanqciis miReba, rogorc samarTliani da gonivruli sapasuxo qmedeba mis mier Cadenil samarTaldarRrevaze. SesaZleblobis farglebSi, samarTaldamrRvevi CarTuli unda iyos aRsrulebis sakiTxebTan dakavSirebuli gadawyvetilebis miRebis procesSi.

wesi 35

braldebulis Tanxmoba unda moipovoT iqamde, vidre daekisreba nebismieri sazogadoebrivi RonisZiebis ganxorcieleba sasamarTlo ganxilvamde an sanqciis Sesaxeb gadawyvetilebis miRebis nacvlad.

wesi 36

im SemTxvevaSi, roca saWiroa samarTaldamrRvevis Tanxmoba, mas sakiTxis Sesaxeb informacia unda miawodon da ganumarton.

amgvari Tanxmoba arasodes unda iyos samarTaldamrRvevisaTvis ZiriTadi uflebis CamorTmevis Sedegi.

meore nawili – adamianuri da finansuri resursebi

Tavi V – profesiuli kadrebi

wesi 37

profesiuli kadrebis SerCevisa da dawinaurebis procesSi dauSvebelia diskriminacia rasobrivi, kanis feris, sqesis, politikuri an sxva mosazrebebis Tu Sexedulebebis niadagze, erovnuli, an socialuri warmomavlobis, qonebrivi, dabadebis an sxva statusis niSniT. kadrebis SerCevisas gaTvaliswinebuli unda iqnes konkretuli midgomebi konkretuli kategoriis adamianebsisa da sxvadasxva samarTaldamrRvevis zedamxedvelobaze.

wesi 38

aRsrulebaze pasuxismgebeli TanamSromlebis raodenoba unda iyos saTanado, raTa efeqturad SeZlon dakisrebuli valdebulebebis Sesruleba. maT, aseve, unda gaaCndeT saTanado Tvisebebi da kvalifikacia. garda amisa, SemuSavebuli unda iqnes specialuri normebi da politika, romelic uzrunvelyofs TanamSromelTa raodenobisa da xarisxis Sesabamisobas samuSaos mocolobasTan, profesiul unar-Cvevebsa da samuSaosaTvis saWiro gamocdilebasTan.

wesi 39

aRsrulebaze pasuxismgebel TanamSromlebs adekvaturi treningi unda hqondeT gavlili da gaaCndeT Sesabamisi informacia, raTa realuri warmodgena hqondeT sakuTari konkretuli saqmianobis sferoze, maT praqtikul valdebulebebsa da samsaxurebrivi eTikis moTxovnebze. regularulad unda ganxorcielde maTi profesiuli kompetenciebis gaZliereba-ganmtkiceba da ganviTareba Semdgomi treningis, muSaobis Sesrulebis mimoxilvisa da Sefasebebis meSveobiT.

wesi 40

profesionali kadrebis Tanamdebobebze daniSvna unda ganxorcielde imgvariakanonmdeblo, finansuri da drois menejmentis safuZvelze, rom uzrunvelyofili iyos profesiuli da sakadro uwyyetoba, ganviTardes TanamSromelTa Soris oficialuri valdebulebebis Sesaxeb cnobiereba da is, rom samsaxurebrivi urTierTobebis pirobebSi maTi statusi msgavsi funciebis Semsrulebeli profesionali kadrebis Tanabaria.

wesi 41

profesiuli kadrebi angariSvaldebulni arian kanoniT gansazRvruli aRmasrulebeli organos winaSe. es organo adgens sakuTari TanamSromlebis movaleobebs, ufllebebsa da valdebulebebs da uzrunvelyofs maT zedamxedvelobasa da samuSaos efeqturobis Sefasebas.

Tavi VI – finansuri resursebi

wesi 42

aRmasrulebel organoebs unda gaaCndeT saxelmwifo fondis mier gamoyofili adekvaturi dafinanseba. mesame pirebs SeuZliaT finansuri an sxva saxis daxmareba gauwion maT, magram aRmasrulebeli organoebi maTze arasodes unda iyvnen finansurad damokidebulni.

wesi 43

im SemTxvevebSi, roca aRmasrulebeli organoebi moixmaren mesame pirTa finansur Senatanebs, unda arsebobdes dadgenili wesi, romelic gansazRvravs gasavlel procedurebs, aseve, pirebs, romlebic CarTulni unda iynnen am konkretuli sakiTxis gadawyvetaSi da am saksrebis gamoyenebis auditis meqanizms.

Tavi VII – sazogadoebis CarTuloba da monawileoba

wesi 44

sazogadoebrivi sanqiebisa da RonisZiebebis xasiaTisa da Sinaarsis Sesaxeb, aseve, maTi ganxorcielebis gzebis Sesaxeb saTanado informacia farTod unda gavrceldes, raTa sazogadoebas, maT Soris kerZo pirebs, kerZo da saxelmwifo organizaciebs da samsaxurebs, romlebic CarTulni arian sanqiebisa da RonisZiebebis implementaciaSi, gacnobierebuli hqondeT maTi Sinaarsi da danaSaulebriv qmedebaze adekvatur da sando reaqciad aRiqvamden.

wesi 45

sanqiebisa da RonisZiebebis implementaciaze pasuxismgabeli organoebis muSaobas Tan unda axldes sazogadoebaSi arsebuli yvela Sesaferisi resursis gamoyeneba, raTa am organoebma SeZlon samarTaldamrRvevTa Sesabamisi saWiroebabis dakmayofileba da maTi ufllebebis dacva. amisaTvis, aseve, maqsimalurad unda iqnes gamoyenebuli sazogadoebis warmomadgeneli organizaciebisa da individualuri pirebis monawileoba.

wesi 46

mniSvnellovania sazogadoebis monawileoba, rac samarTaldamrRvevebs daexmareba sazogadoebasTan mniSvnellovani kavSirebis damyarebaSi, raTa sazogadoebis mxridan maT mimarT arsebuli interesi igfZnon da gazardon urTierTobis, daxmarebisa da mxardaWeris SesaZleblobebi.

wesi 47

sazogadoebis monawileoba unda ganxorciel des implementator organoeb Tan Se Tanxmebis safuZvelze, romelSic dakonkretebuli iqneba mxareTa valdebulebebis xasiaTi da maTi ganxorcielebis xerxebi.

wesi 48

sazogadoebrivi organizaciebisa da calkeuli pirebis monawileoba gulisxmobs zedamxedvelobis ganxorcielebas mxolod kanoniT gansazRvrul an sazogadoebrivi sanqciebis damkisrebeli/implementatori organoebis mier gansazRvrul farglebSi.

wesi 49

sazogadoebis warmomadgenelTa mier gaweuli daxmareba ar unda iqnes gamoyenebuli, rogorc profesionali kadrebis mier gansaxorcielebeli saqmianobis Canacvleba.

wesi 50

implementatorma organoebma unda gansazRvron is kriteriumebi da procedurebi, romlis mixedviTac moxdeba sazogadoebis warmomadgenel pirTa SerCeva, maTi informireba dakisrebuli davalebebis, movaleobebis, kompetenciis farglebis, angariSvaldebulebisa da sxva sakiTxebis Sesaxeb.

wesi 52

monawile sazogadoebriv organizaciebsa da calkeul pirebs ekisrebaT profesuli konfidencialurobis dacvis valdebuleba.

wesi 53

sazogadoebis warmomadgeneli calkeuli pirebi dazRveulni unda iyvnen ubeduri SemTxvevebis, daSavebisa da sazogadoebrivi valdebulebebisagan sakuTari movaleobebis Sesrulebis procesSi. maT unda aunazRaurdeT muSaobisas gaweuli xarjebi.

wesi 54

gaTvaliswinebuli unda iqnes monawile sazogadoebrivi organizaciebisa da calkeuli pirebis mier maTi kompetenciis farglebSi gamoTqmuli zogadi xasiaTis mosazrebebi, aseve, calkeul saqmeebTan dakavSirebuli sakiTxebi. maT unda miawodon sapasuxo informacia.

mesame nawili – sanqciebisa da RonisZieebis menejmentis aspeqtebi

Tavi VIII – implementaciis pirobebi

wesi 55

sazogadoebrivi sanqciebi da RonisZieebi imgvarad unda ganxorcielde, rom rac SeiZleba sasargeblo iyos samarTaldamrRvevisaTvis da xeli Seuwyos sazogadoebaSi integrirebisaTvis saWiro pirovnul da socialur ganviTarebas. zedamxedvelobisa da kontrolis meTodebi am miznebs unda emsaxurebodes.

wesi 56

sazogadoebrivi sanqciebisa da RonisZieebis momzadebis, dakisrebis an implementaciis Sesaxeb rCeva sasamarTlos an prokurors mxolod profesionalma TanamSromlebma an kanoniT gansazRvrulma organizaciebma unda miawodon.

wesi 57

implementatorma organoebma unda uzrunvelyon, rom pirebi, romlebic eqvemdebarebian sazogadoebriv sanqciebsa da RonisZieebbs, informirebuli iyvnen sakuTari uflebebis Sesaxeb da daexmaron maT am uflebebis xelmisawvdomobis uzrunvelyofaSi. profesionali TanamSromlebi, monawile sazogadoebrivi organizaciebi da calkeuli pirebi informirebuli unda iyvnen am pirobebis Sesaxeb.

wesi 58

samarTaldamrRvevs ufleba aqvs, sazogadoebrivi sanqciis an RonisZiebis ganxorcielebis Sesaxeb gadawyvetilebis miRebamde gaakeTos zepiri an werilobiTi ganacxadi.

implementatorma organom unda uzrunvelyos, rom konfliqtis an krizisis warmoSobis SemTxvevaSi, samarTaldamrRvevi profesionali TanamSromlebis Sesabamis warmomadgenels rac SeiZleba swrafad daukavSirdes.

wesi 59

implementatorma organom unda moaxdinos Sesabamisi reagireba da gamoiZios samarTaldamrRvevze dakisrebuli sanqciis an RonisZiebis implementaciasTan dakavSirebuli saCivrebi. is pasuxismgeblobiT da seriozulobiT unda moekidos samarTaldamrRvevis moTxovnas zedamxedvelis an sxva pasuxismgebeli piris Secvlis Taobaze.

wesi 60

calkeul saqmes implementatori organo awarmoebs. Canawerebis ganaxleba mudmivad unda xdebodes, raTa SesaZlebeli iyos saWiro angariSis momzadeba imasTan dakavSirebiT, Tu ramdenad asrulebs samarTaldamrRvevi sanqciis an RonisZiebis pirobebs an movaleobebs.

wesi 61

calkeuli saqmis masalebSi arsebuli informacia mxolod dakisrebuli sanqciis an RonisZiebis ganxorcielebasTan dakavSirebul sakiTxebs unda moicavdes da maqsimalurad sando da obieqturi iyos.

wesi 62

samarTaldamrRvevs an mis warmomadgenels unda SeeZlos sakuTari saqmis masalebTan daSveba im mocolobiT, rom ar daarRvios sxvaTa piradi saidumloebis ufleba. samarTaldamrRvevs ufleba aqvs, gaasaCivros saqmis Canawerebi. saCivris Sinaarsi saqmis masalebSi unda aisaxos.

wesi 63

Cveulebriv, zedamxedvelma samarTaldamrRvevs unda miawodos informacia saqmis masalebis da sxva angariSebis Sesaxeb da ganumartos isini.

wesi 64

nebismier individualur saqmeSi mocemuli informaciis gamxela daSvebulia mxolod amgvari uflabis mqone pirTaTvis. gamxelili informacia unda moicavdes saqmis Canaweris mxolod im nawils, romelic saWiroa informaciis moTxovnaze ganmcxadebeli organos Sesabamisi davalebisTvis.

wesi 65

sazogadoebrivi sanqciis an RonisZiebis dasrulebis Semdeg, saqmis masalebi implementatori organos mier unda ganadgurdes, an daculi iyos arqivSi mesame pirTa mier informaciis gamxelis Sesaxeb usafrTxoebis wesebis Tanaxmad. es qmedeba ar unda ganxorcielde sanqciis an RonisZiebis iuridiuli Zalis amowurvamde araugvianes kanonmdeblobiT fiqsirebuli vadisa.

wesi 66

samarTaldamrRvevis Sesaxeb informaciis xasiaTi da mocoloba, romelic gadaecema damsaqmebel, piradi da socialuri daxmarebis saagentoeb, ganisazRvreba da Semoifargleba konkretuli gansaxilveli qmedebis miznis mixedviT. ufro zustad, gacemuli informacia samarTaldamrRvevisTvis Setyobinebisa da misi Tanxmobis gareSe, ar SeiZleba moicavdes cnobebs samarTaldamrRvevis da misi piradi biografiis Sesaxeb, aseve, sxva nebismier informacias, romelmac SesaZloa gamoiwwios arasasurveli socialuri Sedegebi an pirad cxovrebaSi Careva.

wesi 67

samarTaldamrRvevisaTvis sazogadoebrivid sasargeblo Sromis farglebSi dakisrebuli davalebebi unda iyos ara usargeblo, aramed socialurad gamosadegi da xels unda uwyoobdes samarTaldamrRvevis unar-Cvevebis maqsimalur ganviTarebas. sazogadoebrivid sasargeblo Sroma ar unda emsaxurebodes sawarmosaTvis mogebis miRebis mizans.

wesi 68

sazogadoebrivid sasargeblo Sromis Semsrulebeli samarTaldamrRvevis samuSao pirobebi unda akmayofilebdes jandacvasa da usafrTxoebasTan dakavSirebul yvela moqmedakanonmdeblo moTxovnas. samarTaldamrRvevebi dazRveulni unda iyvnen ubeduri SemTxvevis, daSavebis da sanqciis implementaciasTan dakavSirebuli saxelmwifo pasuxismgeblobisgan.

wesi 69

implementaciis xarjebi samarTaldamrRvevs ar unda daekisros.

Tavi IX – muSaobis meTodebi

wesi 70

sazogadoebrivi sanqciebisa da RonisZiebebis implementacia unda efuZnebodes individualuri programebis marTvas da samarTaldamrRvevs, zedamxedvelsa da sazogadoebis warmomadgenel nebismier organizaciasa Tu calkeul pirs Soris Sesabamisi samuSao urTierTobebis Camoyalibebas.

wesi 71

implementaciis meTodebi TiToeuli saqmis konkretul garemoebebze individualurad unda iyos morgebuli. Sesabamisad, implementaciaz pasuxismgebel organoebsa da TanamSromlebs unda gaaCndeT saTanado mocolobis diskrecia, raTa ar gamoiwvios mopyrobaSi seriozuli uTanasworoba.

wesi 72

sanqciis an RonisZiebis implementaciisaTvis individualuri saWiroebis gansazRvris SemTxvevaSi, unda moxdes xarisxiani pirovnuli, socialuri an materialuri daxmarebis uzrunvelyofa.

wesi 73

sanqciis an RonisZiebis Sesaxeb gadawyvetilebis implementaciasTan dakavSirebuli instruqciebi, romlebic implementatori organoebsaTvis gamoicema, praqtkuli da zusti unda iyos. isini samarTaldamrRvevs gadawyvetilebis garda sxva moTxovnebs ar unda uyenebdes.

wesi 74

makontrolebeli saqmianobebi mxolod im mocolobiT unda ganxorcielde, romelic dakisrebuli sanqciis an RonisZiebis saTanado implementaciisaTvis aris saWiro da emyareba minimaluri intervenciis princips. isini sanqciis an RonisZiebis proporcionali unda iyos da maTi miznebiT Semoifarglebodes.

wesi 75

implementaciaze pasuxismgebelma organoebma muSaobis iseTi meTodebi unda gamoiyenon, romlebic aRiarebul profesiul standartebs Seesabameba. es meTodebi unda iTvaliswinebdes kvlevis, socialuri samuSaosa da saqmianobis yvela sferoSi arsebul miRwevebs.

Tavi X – sanqciis an RonisZiebis iuridiuli Zala da Seusruleblobis Sedegebi

wesi 76

sazogadoebrivi sanqciis an RonisZiebis implementaciis dasawyisSi samarTaldamrRvevi informirebuli unda iyos sanqciis an RonisZiebis Sinaarsis da misi valdebulebebis Sesaxeb. is, aseve, informirebuli unda iyos im Sedegebis Sesaxeb, romelic mis mier gadawyvetilebaSi gacxadebuli pirobebisa da valdebulebebis darRvevas mohyveba da im wesebis Sesaxebac, romelTa Tanaxmad, is daubrundeba gadawyvetilebis mimReb organoebs sanqciis an RonisZiebis moTxovnaTa daukmayofileblobis an araadekvaturad Sesrulebis SemTxvevaSi.

wesi 77

implementatorma organoebma zustad unda gansazRvron procedurebi, romelTac gamoiyeneben implementaciaze pasuxismgebeli TanamSromlebi samarTaldamrRvevTan mimarTebiT da gadawyvetilebis miRebaze pasuxismgebeli organoebi im SemTxvevaSi, Tuki samarTaldamrRvevi ar daakmayofilebs an araadekvaturad daakmayofilebs masze dakisrebul pirobebs an movaleobebs.

wesi 78

implementatori organoebis instruqciebis an pirobebisa da valdebulebebis msuzuqi darRveva, romelic ar saWiroebs sanqciis an RonisZiebis Secvlas, dauyovnebliv unda mogvardes diskreciulobis safuZvelze an, Tu saWiroa, administraciuli proceduris meSveobiT.

wesi 79

msuzuq darRvevasTan dakavSirebuli administraciuli xasiaTis gasaubrebis dros samarTaldamrRvevs unda mieces SesaZlebloba, gaakeTos sakuTari komentari. gasaubrebis an nebismieri sxva sagamoZiebo qmedebis Sinaarsi unda aisaxos individualuri saqmis CanawerebSi, dauyovnebliv da gasagebad unda miewodos samarTaldamrRvevs.

wesi 80

sazogadoebriv sanqciasa Tu RonisZiebaSi gansazRvruli pirobebis an valdebulebebis nebismieri mniSvnellovani Seusruleblobis Sesaxeb implementaciaze pasuxismgebelma organom dauyovnebliv werilobiT unda Caabaros angariSi gadawyvetilebis miRebaze pasuxismgebel organos.

wesi 81

pirobebis an valdebulebebis daukmayofileblobis Sesaxeb nebismieri werilobiTi angariSi obieqturad da detalurad unda asaxavdes, Tu rogor da ra viTarebaSi hqonda adgili pirobebis Seusruleblobas.

wesi 82

gadawyvetilebis miRebaze pasuxismgebeli organoebi gascemen brZanebas sazogadoebrivi sanqciis an RonisZiebis Secvlis, nawilobriv an mTlianad gauqmebis Sesaxeb mxolod mas Semdeg, rac detalurad Seamowmeben implementaciaze pasuxismgebeli organoebis mier angariSSi asaxul faqtebs.

wesi 83

sazogadoebrivi sanqciis an RonisZiebis Secvlis, nawilobriv an mTlianad gauqmebis Sesaxeb gadawyvetilebis miRebamde, gadawyvetilebis miRebaze pasuxismgebelma organom unda uzrunvelyos, rom samarTaldamrRvevs mieces SesaZlebloba, Seamowmos dokumentebi, romelsac emyareba Secvlis an gauqmebis moTxovna da warmoadginos sakuTari SeniSvnebi nebismieri pirobis an dakisrebuli movaleobis darRvevaze.

wesi 84

sanqciasa an RonisZiebaze TandarTuli pirobebis an movaleobebis Seusrulebloba, romelmac moqmedi kanonmdeblobis Tanaxmad, SeiZleba gamoiwwios sanqciis an RonisZiebis Secvla, nawilobrivi an mTliani gauqmeba, Tavis mxriv, ar unda warmoadgendes samarTaldarRvevas.

wesi 85

sazogadoebrivi sanqciis an RonisZiebis gauqmebis sakiTxis ganxilvisas, gaTvaliswinebuli unda iqnes, Tu rogor da ramdenad Seasrula samarTaldamrRvevma mocemuli piroba Tu valdebuleba.

wesi 86

ar aris aucilebeli, rom sazogadoebrivi sanqciis an RonisZiebis gauqmebis Sesaxeb gadawyvetileba patimrobis zomis dakisrebis safuZveli gaxdes.

wesi 87

sazogadoebriv sanqciasa an RonisZiebaSi gawerili nebismieri pirobis Tu valdebulebis Secvla SesaZlebeli unda iyos samarTaldamrRvevis mier garkveuli progresis miRwevis SemTxvevaSi. gadawyvetilebas pasuxismgebeli organo moqmedi kanonmdeblobis Tanaxmad iRebs.

wesi 88

gadawyvetilebis miRebaze pasuxismgebel organos unda SeeZlos, Sewyvitos sanqcia an RonisZieba mis amowurvamde im SemTxvevaSi, Tuki dadgindeba, rom samarTaldamrRvevma daakmayofila moTxovnili pirobebi da valdebulebebi da aRar arsebobs maTi gamoyenebis saWiroeba sanqciis an RonisZiebis miznis misaRwevad.

Tavi XI – sazogadoebrivi sanqciebisa da RonisZiebebis Sedegebis kvleva da Sefaseba

wesi 89

saWiroa sazogadoebrivi sanqciebisa da RonisZiebebis kvlevis xelSewyoba. unda ganxorcieldes maTi regularuli Sefaseba.

wesi 90

sazogadoebrivi sanqciebisa da RonisZiebebis Sefaseba unda xdebodes obieqturad, imis mixedviT, Tu maTi gamoyeneba ramdenad:

- akmayofilebs kanonmdebelTa, sasamarTlo xelisuflebis, gadawyvetilebis mimRebi organoebis, implementatori organoebis da sazogadoebis molodinebs sazogadoebrivi sanqciebisa da RonisZiebebis miznebTan mimarTebiT;
- xels uwyobs patimrobis maCveneblebis Semcirebas;

- iZleva samarTaldarRvevasTan dakavSirebuli samarTaldamrRvevis saWiroebabis dakmayofilebis saSualebas;
- xarjTefeqturia;
- xels uwyobs sazogadoebaSi danaSaulis maCveneblebis Semcirebas;

danarTi – leqsikoni

1. *sazogadoebri sanqciebi da RonisZiebebi*

termini `sazogadoebri sanqciebi da RonisZiebebi~ gamoiyeneba im sanqciebsa da RonisZiebebTan mimarTebiT, romelTa saSualebiTac, samarTaldamrRvevi rCeba sazogadoebaSi da gulismobs misi Tavisuflebis SezRudvas konkretuli pirobebisa Tu valdebulebebis dakisrebiT. aRniSnuli xorcieldeba kanoniT amisTvis gansazRvruli/daniSnuli organoebis mier.

termini moicavs sasamarTlos an mosamarTlis mier dakisrebul nebismier sanqrias da RonisZiebas, romelic ganxorciela sanqciis Sesaxeb gadawyvetilebis miRebis magier, aseve, patimrobris ganaCenis cixis dawesebulebis gareT aRsrulebis gzebs.

miuxedavad imisa, rom am terminSi fuladi sanqciebi ar moiazreba, maTi implementaciis uzrunvlesayofad ganxorcielebuli nebismieri sazedamxedvelo an makontrolebeli saqmianoba aseve unda ganxorcielde am wesebiT dadgenil farglebSi.

2. *kanoni – gansazRvrulia, regulirdeba*

terminebi `gansazRvruli~ an `regulirdeba~ gamoiyeneba parlamentis mier miRebul kanonebTan da, aseve, kanonis aRsrulebisaTvis saWiro samTavrobo brZanebulebebTan (dadgenilebebTan) mimarTebiT.

3. *sasamarTlo xelisufleba*

warmodgenil wesebSi termini `sasamarTlo xelisufleba~ gulismobs sasamarTlos, mosamarTles an prokurors.

4. *gadawyvetilebis mimRebi organoebi*

termini `gadawyvetilebis mimRebi organoebi~ gulismobs sasamarTlo xelisuflebas an nebismier sxva organos, romelsac gaaCnia kanoniT miniWebuli uflebamosileba, rom daawesos an gaauqmos sazogadoebri sanqcia, RonisZieba an Secvalos misi pirobebi da valdebulebebi. gadawyvetilebis mimRebi organos cneba ufro farToa, vidre sasamarTlo xelisuflebis.

5. implementaciaze pasuxismgебели organo

`implementaciaze pasuxismgебели organo~ aris organo an organoebi, romelTac gaaCnia uflEbamosileba, miiRon gadawyvetileba da, maTi pirveladi valdebulebis Tanaxmad, praqtikulad ganaxorcielon sazogadoebrivi sanqcia an RonisZieba. bevr qveyanaSi implementaciaze pasuxismgебель organod probaciis samsaxuri gvevlineba.

6. implementacia da Sefardeba

`implementacia (aRsruleba)~ gulisxmobs implementaciaze pasuxismgебели organos samuSaos praqtikuli aspeqtebis ganxorcielebas imis uzrunvelsayofad, rom sazogadoebrivi sanqcia an RonisZieba sworad iqnes Sesrulebuli.

~Sefardeba~ gulisxmobs orives _ sazogadoebrivi sanqciis an RonisZiebis dakisrebas da implementacias.

am ukanknel termins, pirvelTan SedarebiT, ufro zogadi mniSvnloba aqvs.

7. pirobebi da valdebulebebi

~pirobebi da valdebulebebi~ gulisxmobs nebismier moTxovnas, romelic warmoadgens gadawyvetilebis miRebaze pasuxismgебели organos mier dakisrebuli sanqciis an RonisZiebis Semadgenel nawils.

8. saCivari

termini ~saCivari~ gulisxmobs rogorc sasamarTloSi Setanil, aseve, administraciul organoebSi wardgenil saCivars.

9. zedamxedveloba

termini ~zedamxedveloba~ gulisxmobs orives, damxmare saqmianobebs, romlebic ganaxorciela implementaciaze pasuxismgебель organom da romelic miznad isaxavs samarTaldamrRvevis sazogadoebaSi datovebas da iseTi qmedebebis ganxorcielebas, romlebic uzrunvelyofs samarTaldamrRvevis mier dakisrebuli pirobebis an valdebulebebis Sesrulebas.

10. kontroli

termini ~kontroli~ gulisxmobs saqmianobebs, romelTa mizania, daadginos, Sesrulda Tu ara dakisrebuli pirobebi an valdebulebebi, aseve, uzrunvelyos pirobebis da valdebulebebis Sesruleba procedurebiT, romlebic gamoyenebuli iqneba maTi Seusruleblobis SemTxvevaSi.

kontrolis cneba zedamxedvelobasTan SedarebiT gacilebiT viwroa.

11. samarTaldamrRvevi

termini `samarTaldamrRvevi~ gamoyenebulia mxolod gamoxatvis lakonurobisTvis da gulisxmobs rogorc braldebuls, aseve, msjavrdebuls.

12. sazogadoebis monawileoba

termini `sazogadoebis monawileoba~ moicavs yvela saxis daxmarebas, iqneba es fasiani, ufaso, sruli ganakveTiT Tu naxevari ganakveTiT Sesrulebuli, romlebic sajaro Tu kerZo organizaciebisa da individualuri pirebis mier aris SemoTavazebuli da implementaciaze pasuxismgebeli organoebisaTvis aris xelmisawvdomi.

13. sqesi

gamoxatvis lakonurobis mizniT, wesebSi gamoyenebulia mamrobiTi sqesi (mag: mamrobiTi sqesis nacvalsaxelesi “his”, “him”, “he”). aq gamoyenebul mamrobiTi sqesis nacvalsaxelesSi yovelTvis igulismebi, aseve, mdedrobiTi sqesic.

14. zmnis formebi

wesebSi gansazRvruli mTavari moTxovnebi gamoxatulia zmnebiT “shall” da “must” (qarTulad orive naTargmnia rogorc `unda~, an awmyo droSi mag: `asrulebs~). ZiriTadi akrZalvebis gamosaxataavad gamoyenebulia ige terminebi uaryofiT formebSi. moTxovnebi, romelTa ganxorcielebac `sasurvelia,~ gamoxatulia zmnis formebiT `should” an “ought”. sasurveli akrZalvis SemTxvevaSi, gamoyenebulia ige termini uaryofiT formaSi.