

# Council of Europe Action Plan for Georgia 2016-2019



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# **Council of Europe**

## **Action Plan for Georgia 2016-2019**

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## TABLE OF CONTENTS

<b>LIST OF ACRONYMS AND ABBREVIATIONS .....</b>	<b>3</b>
<b>GENERAL OVERVIEW.....</b>	<b>4</b>
<b>IMPLEMENTATION AND REPORTING MODALITIES.....</b>	<b>5</b>
<b>PARTNERSHIP AND CO-ORDINATION.....</b>	<b>6</b>
<b>I. PROTECTING AND PROMOTING HUMAN RIGHTS AND DIGNITY, ENSURING SOCIAL RIGHTS</b>	<b>7</b>
I.1. Sector overview and priorities .....	7
I.1.1. Effective implementation of European human rights standards at national level .....	7
I.1.2. Tolerance and anti-discrimination .....	8
I.1.3. Freedom of expression, media freedom, assistance in implementation of internet governance principles, data protection .....	9
I.1.4. Gender equality, combating violence against women, children and domestic violence .....	9
I.1.5. Education for Democratic Citizenship and Human Rights Education .....	10
Overall objective.....	10
I.2. Specific objectives and expected results .....	11
<b>II. ENSURING JUSTICE .....</b>	<b>14</b>
II.1. Sector overview and priorities .....	14
II.1.1. Independence and Efficiency of Justice.....	14
II.1.2. Prisons and Police .....	15
Overall objective.....	16
II.2. Specific objectives and expected results .....	16
<b>III. STRENGTHENING DEMOCRATIC GOVERNANCE.....</b>	<b>18</b>
III.1. Sector overview and priorities .....	18
III.1.1. Elections .....	18
III.1.2. Local democracy .....	19
Overall objective.....	20
III.2. Specific objectives and expected results .....	20
<b>IV. COUNTERING THREATS TO THE RULE OF LAW: CORRUPTION, MONEY-LAUNDERING, MANIPULATIONS OF SPORTS COMPETITIONS.....</b>	<b>21</b>
IV.1. Sector overview and priorities .....	21
Overall objective.....	22
IV.2. Specific objectives and expected results .....	22
<b>V. CONFIDENCE-BUILDING MEASURES.....</b>	<b>23</b>
V.1. Sector overview and priorities .....	23
Overall objective.....	23
V.2. Specific objectives and expected results .....	23
<b>ADDENDUM 1. PROJECT “COE’S ACTION PLAN AND PROJECT MANAGEMENT CAPACITY DEVELOPMENT FOR NATIONAL STAKEHOLDERS” .....</b>	<b>25</b>
<b>APPENDIX I. SYNOPSIS OF THE COUNCIL OF EUROPE ACTION PLAN FOR GEORGIA 2016-2019... </b>	<b>26</b>
<b>APPENDIX II. FINANCIAL TABLE.....</b>	<b>33</b>
<b>APPENDIX III. PROVISIONAL LIST OF PROJECTS .....</b>	<b>34</b>

## List of acronyms and abbreviations

CEB	Council of Europe Development Bank
CEC	Central Election Commission
CEPEJ	European Commission for the Efficiency of Justice
CETS	Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data
CM	Committee of Ministers of the Council of Europe
CoE	Council of Europe
Congress	Council of Europe Congress of Local and Regional Authorities
DANIDA	Danish International Development Agency
CPT	Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
EaP	European Union Eastern Partnership
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECRML	European Charter for Regional or Minority Languages
ECtHR	European Court of Human Rights
ESC	European Social Charter
EU	European Union
EXEC	Department for the Execution of Judgments of the European Court of Human Rights
GR-DEM	Rapporteur Group on Democracy
GRECO	Group of States against Corruption
GIZ	German Agency for International Co-operation
HELP	European Programme for Human Rights Education for Legal Professionals (HELP Programme)
HCoJ	High Council of Justice
HSoJ	High School of Justice
MoJ	Ministry of Justice
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NGO	Non-governmental Organisation
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PCF	European Union/Council of Europe Programmatic Co-operation Framework for Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus
PDO	Public Defender's Office
RESC	Revised European Social Charter
SIDA	Swedish International Development Agency
VC	European Commission for Democracy through Law (Venice Commission)
UNDP	United Nations Development Programme
USAID	United States Agency for International Development

## General overview

Since Georgia became the 41th member state of the Council of Europe in 1999, the country has signed and ratified 72 Council of Europe Conventions and made serious efforts to translate the standards of the Council of Europe into national legislation and practice. The present Action Plan is developed in order to continue the support of Georgia in domestic implementation of the European Convention on Human Rights and the case-law of the European Court of Human Rights as well as to further assist the country in bringing its institutions and practices in line with the Council of Europe standards.

The Action Plan for the period of 2016-2019 has been prepared in close consultation with the Georgian authorities and takes into account the priorities of the reforms in the country. The Action Plan reflects the most recent findings of the Council of Europe's monitoring bodies, resolutions and recommendations in respect of Georgia, including those of the Committee of Ministers, the Parliamentary Assembly, the Commissioner for Human Rights of the Council of Europe, the Venice Commission, the European Committee for the Prevention of Torture (CPT) and the Congress of Local and Regional Authorities (the Congress). In addition, the Action Plan takes into account the challenges identified in the Secretary General's annual reports on the State of Democracy, Human Rights and the Rule of Law in Europe. The priorities of the National Human Rights Strategy of Georgia 2014-2020 and its associated action plans are also taken into account.

The present Action Plan takes into consideration the results and achievements of the previous Action Plan 2013-2015<sup>1</sup> which include, among others, the improved independence and professionalism of the judiciary; improved knowledge of the legal professionals and human rights defenders about ECHR and ECtHR case law and the application of European anti-discrimination standards; an improved capacity to deal with electoral dispute resolution; better healthcare provisions for prisoners; increased human rights awareness in the area of mental health care; an increased capacity to address the training needs of the Georgian judiciary; an enhanced capacity to investigate ill-treatment; support preparation for accession to the ECRML; strengthened contacts between representatives of civil society and professional groups for confidence-building purposes.

Through this comprehensive Action Plan, the Council of Europe and the Georgian authorities are bringing forward specific measures to help strengthen the link between policy, the legal framework and practice and to further strengthen partnership between key stakeholders in order to increase the capacity of Georgia to guarantee and enhance democracy, human rights and the rule of law.

In order to concentrate the efforts on the areas where the Council of Europe has clearly identifiable added value, the Organisation and Georgian authorities decided to limit the number of sectors for co-operation to five. The priorities for co-operation were decided taking into account such factors as relevance of the actions to the reform agenda of the Government and recommendations of the Council of Europe monitoring bodies as well as post accession commitments to the Council of Europe; the established presence and added value of the Council of Europe in the sector; the capacity of the identified national interlocutors to co-ordinate and implement programmes; the availability of a sufficient human resources capacity in the Council of Europe to effectively implement, report on and co-ordinate the programmes with international partners at sector level. The resource constraints were another factor in limiting the scope of the action.

The plan for the period 2016-2019 includes the following priority sectors:

### 1. **Protecting and promoting human rights and dignity, ensuring social rights:**

- Harmonising national legislation and judicial practice in line with European standards, particularly legislation related to criminal justice;
- Strengthening the capacity to tackle discrimination and protect rights and languages of persons belonging to minorities;
- Promoting the freedom of the media and the independence of the broadcasting regulatory body and public service broadcasters;

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<sup>1</sup> At their 1229th meeting (3 June 2015), the Ministers' Deputies took note of the progress report on the implementation of the Action Plan for Georgia 2013-2015, as it appears in document GR-DEM(2015)12.

- Improving the legal framework related to data protection and increasing the capacity of stakeholders to implement the legislation;
- Enhancing the capacity of the authorities to combat violence against women and domestic violence;
- Enhancing the role of Georgian schools in the promotion of democracy, human rights and the rule of law as well as in the prevention of human rights violations.

## **2. Ensuring justice:**

- Assisting reforms pursuing independence, transparency, impartiality, and efficiency of the justice system;
- Supporting Georgia in developing a system of alternative dispute resolution;
- Further enhancing the capacity to deliver judicial training to better meet the needs of current and future judges, prosecutors and lawyers;
- Protecting vulnerable groups;
- Fighting ill-treatment and impunity;
- Further improving accountability and transparency of police operations by integrating human rights in police practice as well as developing a community policing approach and crime prevention;
- Further developing the capacity to implement a rehabilitative approach in penitentiary reforms aiming to help a higher number of offenders in their reintegration into society.

## **3. Strengthening democratic governance:**

- Improving the integrity, transparency and quality of the electoral process and enhancing the capacity to monitor elections;
- Increasing women's participation in politics; increasing the participation of ethnic minorities and first time voters in elections; and enhancing the capacity of media to provide professional coverage of elections;
- Assisting in strengthening institutional and legal mechanisms aimed at regional and municipal development.

## **4. Countering threats to the rule of law: corruption, money-laundering, cybercrime, manipulations of sports competitions:**

- Assisting in the modernisation of the public sector and enhancing the capacity of criminal justice institutions to tackle corruption, cybercrime and money-laundering.

## **5. Confidence-building measures**

- Confidence building by developing a dialogue between non-state actors, civil society and professionals and disseminating good practices for the respect of human rights standards in the conflict-affected areas.

The Council of Europe also remains ready to support the constitutional reform process if requested by the Georgian authorities.

Where relevant and in agreement with national stakeholders, an impact assessment of the CoE programmes in Georgia implemented in 2013-2015 will be also conducted.

### **Implementation and reporting modalities**

The implementation of this Action Plan will be jointly assessed by the Council of Europe and the Georgian authorities. For this purpose, a Steering Committee will be established, composed of representatives of the Council of Europe, the Ministry of Foreign Affairs and other national stakeholders involved in the implementation of the Action Plan. The Steering Committee will meet regularly to assess the implementation of approved projects, address the challenges faced and discuss relevant proposals for future co-operation. Gender equality will be mainstreamed across all sectors of the Action Plan. In addition, the Council of Europe will promote active participation of the civil society in the development and implementation of the project activities. Relevant Council of Europe transversal strategies and action plans (notably, the CoE Gender Equality Strategy 2014-2017 and the CoE recommendations related to the civil society) will be taken into account in the development and implementation of the projects.

The Council of Europe will provide regular updates on the progress and results of the Action Plan. To this end, the Office of the Directorate General of Programmes will submit interim and final reports to the Committee of Ministers.

The Council of Europe Office in Tbilisi and operational services in Strasbourg will be responsible for the management and implementation of the Action Plan. In line with the decentralisation process which facilitates targeted co-operation with member states, the Council of Europe Office in Tbilisi will play an important role in project implementation in the field.

Projects in the Action Plan are to be funded from multiple sources, and co-ordinated with the international partners present in Georgia. Funding is to be provided from the Council of Europe's ordinary budget, as well as voluntary contributions from donor countries and international organisations, including the European Union/Council of Europe Programmatic Co-operation Framework for Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus (PCF) for 2015-2017. The present Action Plan timeframe from 2016 to 2019 is aligned with the two biennial cycles of the Programme and Budget of the Council of Europe in order to increase coherence, complementarity and co-ordination between activities within the ordinary budget of the Council of Europe and extra-budgetary technical assistance for Georgia.

### **Partnership and co-ordination**

In order to optimise the development and delivery of the technical assistance programmes in Georgia, the Council of Europe will co-operate with the Georgian Government, national institutions, civil society and other key stakeholders. All projects will ensure national ownership and strengthen the capacity of national partners.

The major strategic partner for the implementation of activities in all sectors of the present plan will be the European Union. The PCF will be the main operational modality for co-operation between the CoE and the EU in 2015-2020 for the countries of Eastern Partnership, including Georgia. PCF will allow for a strategic, long-term, efficient and cost-effective means of collaboration, which aims at achieving the common goals that both Organisations share in the CoE member states and the EU partner countries, as well as in the region as a whole. In Georgia, specifically, through the PCF, the CoE will work on the implementation of European human rights standards at national level; capacity building for legal professionals; improving protection of the rights of persons belonging to national minorities including protection of their languages; improving healthcare in prisons (including psychiatric care) and promoting a rehabilitative approach in penitentiary reforms; fighting corruption and money-laundering; fostering good governance; improving the freedom, independence, pluralism and diversity of media; protecting internet freedom through legislation and arrangements for multi-stakeholder dialogue; and reforming electoral legislation and practice. Co-ordination of activities with the EU at the sector level will take into account the joint Georgia-EU programming initiative. Of relevance for the present CoE Action Plan for Georgia is the support provided by the EU in the areas of expertise of the Council of Europe, including the criminal justice system reform, protection of rights of vulnerable groups, combating torture in places of detention, fighting against illegal drugs and trafficking in human beings. The present Action Plan is also aligned with the priorities identified in the EU and Georgia Action Plan as well as the EU/Georgia Association Agenda (specifically in the part related to the protection of fundamental freedoms).

In the field of protecting and promoting human rights, the CoE will co-ordinate its activities with DANIDA and SIDA. Of relevance for the present Action Plan is the support provided by DANIDA in building up the capacity of the Georgian authorities to more effectively implement approved laws and reforms on the judiciary and human rights. SIDA, USAID and UNDP support the promotion of gender equality and the fight against gender-based violence. USAID is active in the field of the protection of the rights of persons belonging to minorities and IDPs.

In the justice sector, the CoE will co-ordinate with GIZ, which provides support for legal and judicial reform in Georgia.

In the field of elections, the CoE will co-ordinate its activities with USAID to build capacity of the election commissions at different levels.

The CoE will co-ordinate its activities in the field of local governance reforms with GIZ, SIDA, USAID and the Swiss Development Agency which are fostering regional and municipal development, the delegation of competences to lower echelons of government and developing more democratic processes thus creating a more efficient and accountable state.

The CoE will also co-operate with the Swiss Development Agency on confidence building through facilitation of dialogue between non-state actors.

In this context, it is also worth recalling that since 2007, Georgia is a member of the Council of Europe Development Bank (CEB). The CEB can provide a relevant contribution by part-financing investment projects with high social added value to which the concerned member state has provided its agreement. The CEB invests in social projects that foster inclusion and contribute to improving the living conditions of the most vulnerable populations across Europe. The CEB part-finances projects (loans and guarantees) in the following sectoral lines of action: strengthening social integration; managing the environment; supporting public infrastructure with a social vocation; supporting micro, small and medium-sized enterprises (MSMEs). The CEB has been playing an active role in Georgia, in particular through the implementation of projects aiming at facilitating the access to credit by MSMEs with a view to support the creation and preservation of viable jobs.<sup>2</sup>

## I. Protecting and promoting human rights and dignity, ensuring social rights

### I.1. Sector overview and priorities

The Council of Europe and Georgian authorities have identified the following priorities for co-operation in this sector:

- The application of the **European Convention on Human Rights (ECHR)** and the **Revised European Social Charter (ESC)** is improved at national level and the execution of ECtHR judgments is supported;
- **The protection and integration of minorities** is enhanced through increased political participation of minority groups, work towards ratification of the European Charter for Regional or Minority Languages, improved provision of quality education in state and minority languages, improved equality in social opportunities, increased capacity of the authorities to preserve minorities' culture and identity and support for religious tolerance and pluralism;
- **Freedom, professionalism and pluralism of the media** is further promoted through implementation of the CoE standards in the field of the media, through increased political and financial independence of public media and through increased visibility of minority groups in the media;
- Compliance of national legal frameworks and policies with CoE standards and best international practices on **Internet governance** is enhanced which results in the increased accessibility to internet users of the mechanisms to protect their fundamental rights as well as the multi-stakeholders solution to the internet policy is established;
- Protection of the rights to privacy and rights to control personal data is improved as a result of **data protection** legislation and practice being brought further in line with the international right-based standards and practices;
- **Gender equality and protection of women and children from violence** is advanced in Georgia through capacity building of the relevant institutions to co-ordinate, monitor and implement policies and measures to empower women and effectively prevent and combat violence against women, children and domestic violence; and
- In line with the Council of Europe Charter on **Education for Democratic Citizenship and Human Rights Education** effectiveness of the education system to initiate young people for life as active and responsible citizens in a democratic society is increased.

Where relevant, the CoE and Georgian authorities will aim to conduct impact assessment of the CoE programmes in this sector which were implemented in the recent years, for example the capacity building activities for over 1,000 lawyers and human rights on the application of European anti-discrimination standards.

#### I.1.1. Effective implementation of European human rights standards at national level

The ECtHR dealt with 276 applications concerning Georgia in 2014, of which 273 were declared inadmissible or struck out. It delivered 3 judgments (concerning 3 applications) one of which found at least one violation of the European Convention on Human Rights. There were noteworthy cases concerning the

<sup>2</sup> For more information about the Council of Europe Development Bank, please visit: [www.coebank.org](http://www.coebank.org)



right to life (Art. 2 ECHR), cases concerning inhuman or degrading treatment (Art. 3 ECHR), cases concerning the right to liberty and security (Art. 5), and the right to a fair trial (Art. 6 ECHR).

The 2015 Brussels Declaration recalls that ensuring the effective implementation of the ECHR and ECtHR case law and the execution of the ECtHR judgments is the primary responsibility of the member states. The CoE actions in this sector will aim to assist the authorities in **the implementation of the European Convention on Human Rights** in Georgia and the harmonisation of national legislation and practice in line with European standards. The Council of Europe takes into account the Action Plan of the Government of Georgia on the Protection of Human Rights 2014-2016 and will support its implementation.

Some parliaments in the Council of Europe member states could benefit from enhancing the mechanisms for monitoring the executive response to judgments or for scrutinising legislation to ensure that it is compatible with the ECHR. National parliaments can play a key role in stemming the flow of applications to the ECtHR by, for instance, carefully examining whether (draft) legislation is compatible with the ECHR requirements and by ensuring that states promptly and fully comply with the ECtHR's judgments. In response to these deficiencies, PACE Resolution 1823 (2011) "National Parliaments: guarantors of human rights in Europe" called for national parliaments to create adequate procedures to verify the compatibility of draft legislation with ECHR standards and monitor the implementation of judgments. The resolution also proposed human rights awareness-raising activities for parliamentarians and training for staff of national parliaments.

Georgia has ratified the **Revised European Social Charter** (RESC) in 2005. The country has accepted 63 out of the 98 paragraphs of the Revised Charter and it has not yet ratified the Additional Protocol providing for a system for collective complaints. The CoE will continue its efforts to encourage Georgia to accept additional provisions of the Revised Charter as well as the system of collective complaints.

### **I.1.2. Tolerance and anti-discrimination**

Georgia is under a commitment to the Council of Europe to sign and ratify the **European Charter for Regional or Minority Languages** (ECRML). Since 2013, a high-level inter-ministerial commission on the ECRML has been in place and dialogue with the media and the public about this Convention has been initiated. A draft of a ratification instrument was prepared in June 2013, with the support of the Council of Europe. Since May 2015, within the framework of the EU/CoE Joint Project, the CoE conducts activities which aim to create the conditions for the signature, ratification and subsequent implementation of the ECRML. The CoE will support the Georgian authorities in their preparation for signing, ratifying and subsequently implementing the ECRML, assist in protection and promotion of regional and minority languages and enhance and strengthen national mechanisms for minority protection.

In August 2015, the Government adopted new Civic Equality and Integration Strategy and Action Plan for 2015-2020. The new strategy, based on the expert assessment of its predecessor and the concept of Civic Equality, includes comprehensive policies and activities for the promotion of integration and protection of national minorities, within five major strategic goals: political participation and civic activism; provision of quality education in state and minority languages; equal social and economic opportunities; culture and preservation of identity; support for religious tolerance and pluralism. The CoE will provide technical support, policy-relevant evidence/expertise and capacity building to the Ministry for Reconciliation and Civic Equality on the implementation of the Strategy and Action Plan in order to promote evidence-based civil integration policies and to improve **integration and protection of minorities** at national and local level.

The Council of Europe's campaign to **combat hate speech online** has been conducted over a period of two years. The campaign in Georgia launched on 23rd of March 2013 at the initiative of the non-governmental youth organisation, the Georgian School Students' Unions Alliance. As a result of the campaign in Georgia, a youth network of 40 young activists was organised. Twenty regional one-day workshops for more than 630 participants were conducted in collaboration with the Ministry of Youth and Sport Affairs. Most of the seminar participants are now working on the online campaign and they are involved in different online tools. The Council of Europe will continue activities of the No Hate Speech online campaign in Georgia.

### I.1.3. Freedom of expression, media freedom, assistance in implementation of internet governance principles, data protection

Freedom of expression and of the media and internet governance are likewise key components of a fully-functioning democratic society. The relevant legislative framework has improved significantly since 2013, including provisions for making the financing of media groups more transparent. Nevertheless, while it is held that in the aftermath of the 2012 parliamentary elections the influence over the media in Georgia has been reduced, freedom of the media remains a topical issue in the public opinion. Among the core challenges facing the media in Georgia remain the financial stability of institutions (particularly that of the regional media, which largely continue to depend on grants), conspicuous shortage of investigative and analytical journalism, lack of employment security for journalists as well as combating libel and hate speech.

Georgian media's **switchover from analogue to digital broadcasting** in the summer of 2015 was successfully conducted. As part of this process, the licensing regime for TV broadcasters will be abolished after the switchover. As a result, content producers will be able to start broadcasting after going through a simplified authorisation process, and will then pay a multiplex operator to be included as free TV or in a pay TV package.

Georgia adopted the Law on Information Security in 2012. To enhance the protection of privacy, the Parliament passed legislative amendments in 2014. Despite this progress in relevant legislative reforms, there is still a need to raise awareness and knowledge of the European standards about **internet and human rights** and the related case law of the European Court of Human Rights. The CoE will advise authorities on implementation of internet governance and facilitate a multi-stakeholder dialogue for policy-shaping regarding the internet in Georgia.

Georgia has ratified the 2001 Additional Protocol to Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data in January 2014. On 1 August 2014, Parliament of Georgia adopted a package of legislative amendments aimed at achieving greater compliance of Georgian legislation with international standards on **personal data protection**. Nevertheless, Georgia needs to be assisted further to be able to continue developing a complete legislation and good practice regulating data collection and surveillance.

In 2015, CoE has launched actions focusing on raising awareness on the **rights and professional ethics of journalists**, improving the quality of **journalism education** and training, improving the **visibility of minority groups in the media** and increasing promotional activities that **address hate speech and intolerance**. The CoE has also promoted the independence of the broadcasting regulatory body and the public broadcasters following the transition to digital broadcasting in Georgia in 2015 and will continue giving support in 2016.

### I.1.4. Gender equality, combating violence against women, children and domestic violence

The Law of Georgia on Gender Equality passed in 2010, provides for the enhancement of women's security, equality in the labour market and the strengthening of women's political participation. The Law of Georgia on Non-discrimination was adopted in 2014 and it states the unacceptability of discrimination on the basis of one's gender identity.

The Convention on preventing and combating **violence against women and domestic violence** (the Istanbul Convention) was signed by Georgia and its ratification is planned in the nearest future. Since 2008, Georgia has created an Interagency Council for the Prevention of Domestic Violence which aims to coordinate activities in the field of combating domestic violence. The Public Defender's Office also plays an important role in the monitoring of the Convention implementation. The PDO has created a special department on gender equality in 2013, which already monitors activities in the field of combating violence against women.

Being a Party to the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) and the Revised European Social Charter, Georgia has committed to adopt legislation covering the various forms of sexual abuse of children, the prohibition of corporal punishment and to take adequate measures, including preventing ones, to protect children from any form of violence. The authorities have adopted a range of laws related to violence, abuse and neglect of children, preventive measures as well as national referral procedures mandating the police, schools, child care institutions and health facilities to address cases of suspected or actual violence and abuse to state statutory social workers. The CoE will assist Georgia to put in place an integrated strategy to protect children

from violence, and provide support to ensure that it is in a position to implement its international obligations in an effective manner.

In addition, the Council of Europe is developing a new Disability Action Plan (the previous one was implemented between 2006 and 2015) to protect and promote the rights of persons with disabilities. The activities in line with the future Action Plan could be considered for implementation following request from the relevant national agencies of Georgia.

#### **I.1.5. Education for Democratic Citizenship and Human Rights Education**

Preparation of learners for life as active and responsible citizens, able to enjoy their fundamental rights and exercise their duties is one of the main features of quality education. In 2010, the Council of Europe member states adopted the Charter on Education for Democratic Citizenship and Human Rights Education, which provides a common framework for action in this field. The Secretary General's report on the State of Democracy in Europe has emphasised the role of EDC/HRE in fighting intolerance, radicalisation and violence. It calls for an increase in the level of priority for formal and non-formal EDC/HRE, including provision of the adequate resources.

In recent years, the Georgian education system has given remarkable priority to EDC/HRE. There is a provision for EDC/HRE in initial teacher education, continuing professional development for teachers, school leaders and other educational staff. The CoE manuals on EDC/HRE are widely used. At the same time, there is a clear need to fully integrate EDC/HRE into the Georgian national curriculum and to ensure the dissemination of EDC/HRE through teacher training, subsequently incorporating EDC/HRE teachers' competences into Teachers Professional Standard. The Public Defender's Office reports also confirm a low level of human rights awareness among the general public. The reasons cited by the PDO include a lack of homogeneity and continuity in provision of the non-formal human rights education organised mainly by NGOs. There is a need for a comprehensive policy in this field, and one of the steps towards public awareness raising (with special focus on young people) would be the establishment of the Human Rights Academy under the auspices of the PDO. Cooperation with other stakeholders, notably the Ministry of Sport and Youth Affairs, will be strengthened.

#### **Sources of justification:**

Committee of Ministers Recommendation 4 (2004) on the European Convention on Human Rights in university education and professional training; Interlaken and Brighton Declarations; relevant case law of the European Court of Human Rights (ECtHR); Committee of Ministers' supervision of judgments; Committee of Ministers Recommendation CM/Rec(2008)2 on efficient domestic capacity for rapid execution of the ECtHR judgments; Human Rights Commissioner's Report on the administration of justice in Georgia (30 June 2011); Human Rights Commissioner's Report following the visit to Georgia from 20 to 25 January 2014 (CommDH(2014)9); CM Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Georgia (CM/ResCMN(2014)7); the Secretary General's biennial reports to the Parliamentary Assembly on the European Charter for Regional or Minority Languages; Conclusions on Georgia 2014 by the European Committee of Social Rights (January 2015); European Charter on Education for Democratic Citizenship and Human Rights Education; Report by the Secretary General of the CoE on the State of Democracy, Human Rights and the Rule of Law in Europe 2015; PACE report on "The functioning of the democratic institutions in Georgia" as concerns their points on developing of Right to privacy and illegal surveillance (doc. No 13588 05 September 2014); PACE Resolution 2015 (2014) on the functioning of democratic institutions in Georgia; PACE Resolution 1920 (2013) on the state of media freedom in Europe; PACE Resolution 2035 (2015) on Protection of the safety of journalists and of media freedom in Europe; OECD Monitoring report on Implementation of the Law of Georgia on Personal Data Protection in the Ministries of Georgia 2013; Budapest Convention on Cybercrime; PACE Resolution 1843 (2011) on the protection of privacy and personal data on the Internet and online media; Committee of Ministers Action Plan on the fight against violent extremism and radicalisation leading to terrorism (CM (2015)74; requests by national authorities and partner institutions.

#### **Overall objective**

To bring legislation and practices in Georgia closer to the Council of Europe standards in the area of human rights promotion and protection, including social rights.

## I.2. Specific objectives and expected results

### I.2.1. **Effective implementation of European human rights standards at national level**

To strengthen the implementation of European Human Rights standards at national level; whereby:

- Human rights policies and practice are aligned by ensuring compliance of legislative and regulatory frameworks with European standards and capacity building for legal professionals and national human rights institutions, including the reinforcement of the Ombudsmen's/Human Rights Defender Offices;
- Practical and theoretical knowledge of lawyers in European human rights law is increased;
- The implementation of European Human Rights Convention standards is facilitated through enhanced involvement of the Parliament in the supervision of the execution of the judgments of the ECtHR and in the control of the compatibility of the existing and draft legislation with the ECHR;
- The new provisions of the Revised European Social Charter are ensured, national capacity to implement accepted provisions is increased and social dialogue on the Charter is put into practice;
- Human rights awareness of the general public is enhanced following the establishment of the Human Rights Academy of the Public Defender.

In order to improve coherence in the decisions of lower courts, the present Action Plan will assist the **Supreme Court's Human Rights Centre** in the development of its analytical capacity, improvement of courts' judgements justification, incorporation of the international standards in local jurisdiction and awareness raising of the ECHR and case law of the ECtHR among judges and their assistants at all levels. Following the successful implementation of the regional **HELP programme** in Georgia, additional country-specific actions will aim at the adaptation of the HELP model curricula to the Georgian legal order. Self-learning resources in Georgian on ECHR articles and themes will be developed. A telephone helpline for Georgian lawyers and potential applicants will be set up to provide advice on the ECtHR admissibility criteria. The national training institutions are committed to further adapt HELP courses to the needs of legal professionals. The **Georgian Bar Association**, representing around 5,000 practicing lawyers, is prepared to make the HELP course on the "Introduction to the ECHR" compulsory for all Georgian lawyers when they start their professional practice. The Action Plan will also assist national stakeholders, in particular the Ministry of Internal Affairs, in raising awareness of the ECHR and in capacity building to apply it at national level.

The Council of Europe will assist the **Public Defender's Office** in building its capacity to tackle human rights violation in the fields of prevention and investigation of ill-treatment as well as to address human rights situation in the communities adjusted to conflict zones.

Through the regional programmes, the Council of Europe implements a number of initiatives which will focus on the role of **national parliaments** in the development of human rights. In Georgia, in response to the request from the Parliament, the Council of Europe will assist in introducing compulsory screening of draft legislation in light of the ECtHR case law as well as in increasing parliamentary control over the execution of judgments of the ECtHR.

The present Action Plan will support awareness raising of the **European Social Charter** provisions, notably among parliamentarians and other stakeholders. The CoE will be ready to assist in developing national capacity to protect social rights and initiate social dialogue on the Charter in Georgia.

### I.2.2. **Tolerance and anti-discrimination policies**

To improve protection of minorities and promotion of their rights and languages in accordance with the European standards; whereby:

- The capacity of the relevant national authorities to deal with the signature, ratification and subsequent implementation of the ECRML is enhanced;
- The general public, decision makers and professionals are accurately and objectively informed about Rights and standards contained in the FCNM and the ECRML;
- A permanent dialogue between the authorities and civil society on minority protection as integral part of human rights is developed;

- Authorities are assisted with implementation of the Civic Equality and Integration State Strategy and Action Plan 2015-2020; and
- The integration and protection of national minorities are improved in practice via effective and evidence-based policies.

The enhanced capacity of the national authorities and minority NGOs to effectively address issues of concern will benefit persons belonging to national minorities as well as the larger communities in which they live. Moreover, it will contribute to the creation of an environment of respect for diversity and tolerance which is more conducive to minority language use. The Action Plan also underlines that minority languages and the minorities using them are of interest to society as a whole, which is one of the core ideas of the ECRML. Globally, the protection of national minorities and the promotion of their linguistic, educational and cultural rights will be further improved, in accordance with European minority standards.

The Council of Europe will provide technical support, policy-relevant evidence/expertise and capacity building to contribute to effective implementation of the Georgian Civic Equality Strategy and Action Plan. The areas of intervention will include: political participation and civic activism, provision of quality education in state and minority languages, equal social and economic opportunities, culture and preservation of identity, support for religious tolerance and pluralism. As regards the Law of Georgia on Non-discrimination, support will be provided to ensure non-discrimination on all grounds in practice.

### **I.2.3. Freedom of expression, media freedom, assistance in implementation of internet governance principles, data protection**

To improve freedom, independence, pluralism and diversity of media national legislation and/or policy related to Internet governance are brought in line with the European Convention on Human Rights and relevant Council of Europe standards; where:

- The compliance of national legal frameworks and policies with CoE standards on freedom of expression is increased;
- Professionalism, responsibility and respect of ethical rules among journalists is improved;
- The quality of journalism education and training is enhanced;
- The visibility of minority groups in the media is increased;
- The independence of the broadcasting regulatory bodies and public service broadcasters is promoted;
- Internet freedom is protected through legislation and arrangements for multi-stakeholder dialogue;
- Data protection legislation is enhanced and effectively implemented to ensure the right to privacy.

Special attention will be paid to the **visibility of minority groups in the media** and there will be an increased number of promotional activities that address hate speech and intolerance. The **independence of the broadcasting regulatory bodies and the public broadcasters** is another focus of the present Action Plan. Awareness of national stakeholders will be increased on the CoE and European standards on media coverage of elections in 2016.

The first National Internet Governance forum was organised in December 2015 by the Council of Europe in partnership with the Georgian National Communications Commission. The CoE **Internet governance and human rights** policy awareness raising and capacity building will continue to target public officials and non-state actors. The CoE plans to organise the second National Internet Governance forum in 2016.

The CoE will continue co-operation with the Georgian authorities (notably the Personal Data Protection Inspector) in the field of **data protection**, specifically focusing on improvement of the legal framework, such as: the provision of support for drafting amendments to the recently approved Law on Surveillance; provision of commentaries to the Law of Georgia on Personal Data Protection; training of staff in the Personal Data Protection Inspector's office; developing guidelines and recommendations to reinforce the effective implementation of data protection legislation and safeguards in the law enforcement sector.

Capacity building of legal professionals – judges, prosecutors and lawyers – handling media freedom related cases as well as working in the area of data protection and implementation of standards and practices are among other possible areas for co-operation between the CoE and Georgia.

#### **I.2.4. Gender equality, combating violence against women, children and domestic violence**

To promote equal access of women to justice, especially in relation to crimes of sexual violence and domestic violence; whereby:

- Professionals involved at the different stages of the justice chain (judges, prosecutors, lawyers, law enforcement) have greater knowledge and skills on gender equality, women's rights and non-discrimination;
- Gender equality advocates from civil society have better access to knowledge and resources for the legal empowerment of women.

The present action plan will support the development of training materials and the organisation of training sessions for prosecutors on gender equality with a focus of equal access of women to justice.

To support public awareness raising of the Istanbul Convention; whereby:

- Public awareness of the importance and benefits of the convention is increased;
- A co-ordinated approach to prevent and combat violence against women and domestic violence is enhanced.

The present Action Plan will assist in organising public debates and information meetings, development of methodologies and guidelines, establishing horizontal co-operation between state agencies to ensure co-ordinated approach to the issues of **violence against women, children and domestic violence**.

To contribute to strengthening the protection of children against sexual exploitation and abuse and all other forms of violence, whereby:

- The legal framework and policies addressing all forms of violence against children are strengthened and brought in line with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse as well as other relevant CoE conventions and instruments that aim at ensuring the right of the child to freedom from all forms of violence;
- An integrated national strategy aimed at safeguarding the rights of the child and protecting children from violence is developed and promoted.

#### **I.2.5. Education for Democratic Citizenship and Human Rights Education**

To continue support for integration and/or further development of education for democratic citizenship and human rights education in national education systems, in accordance with the Council of Europe Charter on **Education for Democratic Citizenship and Human Rights Education**; whereby:

- The population's understanding of the role and value of education as an important element of teaching civic attitudes and in laying down the basis for democracy is increased;
- Young people are initiated for life as active and responsible citizens in a democratic society;
- EDC/HRE is integrated in the national curriculum;
- The Human Rights Academy of the Public Defender is established; and
- Training courses for public servants, teachers, teacher-trainers and youth are developed on fundamental human rights, Gender Equality, Child Rights.

Extending EDC/HRE to wider range of target groups, introducing relevant courses to formal and non-formal education at different levels (from secondary to high schools) would be in focus of the Council of Europe activities in this field.

## II. Ensuring justice

### II.1. Sector overview and priorities

The priorities for co-operation between the Council of Europe and Georgian authorities in this sector are the following:

- Strengthening transparency of the decision-making process in the High Council of Justice (HCoJ) and the substantiation of its decisions;
- Supporting Georgia in developing a system of alternative dispute resolution;
- Enhancing the efficiency, effectiveness and transparency of **the courts** following the development of a modern management structure; the adoption of the new human resources management system and procedures; introduction of the quality planning, control, assurance and improvement mechanisms; enhancing system of selection, appointment and promotion of judges;
- Strengthening the capacity of **the High School of Justice** to deliver modern and demand-driven courses for legal professionals;
- **Increasing independence and improving professionalism of the Prosecutor's Office** as a result of capacity building activities to balance effectively investigative, preventive and human rights protective tasks;
- Supporting the **Georgian Bar Association (GBA)** to increase compliance of the national legislation and regulations concerning the mandate and functioning of the GBA with European standards, assist GBA in developing its capacity to deliver quality training to legal professionals;
- Strengthening the professional standards and safeguarding the independence of lawyers to promote and uphold the cause of justice in line with the CM Recommendation Rec(2000)2;
- Preventing ill-treatment and fighting against impunity in the **penitentiary system and police detention** as well as improving the health care provision for persons in detention and strengthening the social rehabilitation component of the penitentiary system through improved legal framework, capacity building and further dissemination of best practices;
- Supporting rehabilitation programmes for offenders and services addressing drug use in prisons as well as safe, early conditional release to prevent reoffending and to further reduce or better control the number of inmates. Capacity building of the **probation service** will be provided;
- Enhancing capabilities of the authorities to conduct **research and analyses** will contribute to increased efficiency and effectiveness of both the penitentiary and probation systems; and
- Enhancing professionalism, transparency and accountability of the Georgian **police** and supporting the police in its reforms to prevent crimes, introduce community policing, fight corruption and protect human rights.

#### II.1.1. Independence and efficiency of justice

Judicial reform in Georgia in recent years has been directed towards changing both the legislative framework and structure of the system to make it more independent and efficient. Implementation of the Georgian National Criminal Justice Reform Strategy and Action Plan 2014-2016 has also started to deliver results showing the increasing efficiency of the courts.

In 2013-2015 the Council of Europe supported the strengthening of the independence and transparency of the judiciary and bringing judicial self-governance closer to the European standards. The legislative framework for the protection of the victims' rights in criminal proceedings was strengthened as a result of recommendations developed with the assistance of the CoE. The 2014 report of the CoE Commissioner for Human Rights highlights some of the positive achievements in terms of establishment of a more independent, professional and accountable judicial system. The Secretary General's Special Advisor for Human Rights and Rule of Law to the Government of Georgian was appointed in July 2015.

Nevertheless, CoE has identified the following problematic areas: the transparency of the judicial decision-making process in the High Council of Justice (HCoJ) and the substantiation of its decisions; the selection, appointment and promotion of judges; the monitoring process of the judges appointed on three-year probationary period; and disciplinary proceedings. The public survey conducted in 2014<sup>3</sup> showed that,

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<sup>3</sup> Attitudes towards the Judicial System in Georgia, 2014 conducted by the Caucasus Research Resource Centers.

despite some improvements, Georgians still have relatively low levels of trust in the judiciary system (the courts, judges) and prosecutors. A broader, more thorough and structural approach to court administration reform will not be limited only to managerial aspects but will cover the areas related to transparency of administration, user satisfaction as well as effective and efficient court proceedings. In addition, the CoE will help to establish fair, effective and trusted dispute resolution system.

For more than a decade, the CoE has co-operated closely with the national judicial training institutions in Georgia and later with the **High School of Justice (HSoJ)**<sup>4</sup>. A detailed and comprehensive analysis of the legislative framework of Georgia, regulating the initial and continuous training of judges was carried out. The HSOJ Strategy and Action Plan for 2014-2018, which was developed with the CoE assistance and adopted in July 2014, aims at strengthening and modernising the institution and institutional resources (material and human).

In 2015, in a joint opinion on the draft Amendments to the Law on the **Prosecutor's Office** the Venice Commission, OSCE/ODIHR and the CCPE/DGI considered that the reform of the Prosecutor's Office is heading in the right direction. Further support to bring relevant legislation and practices in line with the CoE recommendations is needed. Also, it is necessary to assist the reform of the Prosecutor's Office through building the capacity of prosecutors to perform effective investigations, protect human rights, improve overall professionalism and enhance its capacity for human recourses management.

The support provided to the **Georgian Bar Association (GBA)** will intensify. "The Profession of Lawyer" report prepared by the joint EU/CoE project "Eastern Partnership – Enhancing judicial reform in the Eastern Partnership countries" identified the following needs for the improvement of the functioning of the GBA: bringing the national legislation and regulations concerning the mandate and functioning of the GBA closer to the relevant European standards; enhancing management capacity of the GBA; increasing compliance of the Code of Professional Ethics for Lawyers practicing in Georgia in line with European standards and best practices; development of a modern curricula and methods (including Online Teaching Platform) for continuous training of lawyers; and modernising the entrance examination for lawyers.

### II.1.2. Prisons and police

In order to reduce prison population in Georgia, thousands of prisoners benefitted from the January 2012 amnesty, and some inmates turned into probationers. The drop in the total number of inmates created a unique opportunity to address systematic problems identified in ECtHR judgments and by the CPT recommendations in the areas of prison healthcare including the psychiatric care as well as opened the way to improve rehabilitation services for prisoners.

In 2013-2015, within the framework of the EU/CoE joint project, the CoE assisted national authorities with the improvement of **medical and mental health services in prisons and detention facilities**. Efforts continued on strengthening the oversight of prisons and other places of detention and improving staff capacities to effectively prevent ill-treatment and fight against impunity. A legal framework regulating various aspects of imprisonment was improved. The CoE has assisted with the development of three important strategic documents, namely the new Prison Healthcare Development Strategy and Action Plan 2014-2017, the Strategy and Action Plan on Mental Health and the Strategy and Action Plan for the Fight against Ill-treatment and Impunity. Also, CoE has contributed with the drafting of the Healthcare Service Standards for prisons. A basis for performance management has been established and a Suicide Prevention Programme in prisons has been launched.

There is a need to consolidate these results and continue assistance in the implementation of the Prison Health Development Strategy in 2016-2017. Extension of the CoE assistance aimed at improvement of the medical and psychiatric services to prisoners is envisaged. Additionally, activities will further support the implementation of the Action Plan on mental health and protection of the rights of those with mental disorders and address the low level of awareness of human rights among the staff of psychiatric institutions through training as well as aligning legal provisions with European standards. Implementation of the new policies and practices in management of the human resources in the penitentiary sector is another priority.

Co-operation with the PDO and NPM staff will continue as well as a support to strengthened oversight of law enforcement services, including development of an independent investigative mechanism.

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<sup>4</sup> The School is a member of the CoE Network of National Training Institutions for Judges and Prosecutors (Lisbon Network). The HSoJ is also a member of the European Programme for Human Rights Training for Legal Professionals (HELP).



The CoE provided substantial capacity building for the **Penitentiary and Probation Training Centre (PPTC)** during 2013-2015 and assisted the development and piloting of various basic and in-service training courses for all categories of penitentiary staff. Efforts will continue to empower PPTC to design and deliver high quality training courses and rely less on external assistance.

New actions will be launched in 2016 to promote a **rehabilitative approach in penitentiary reforms**. They will aim to support a higher number of offenders in their reintegration into society. Effective strategies, including alternatives to imprisonment to prevent overcrowding and deal with drug use in prisons will be developed with authorities, the public sector and civil society. In this context, further capacity building of the Probation Service is foreseen coupled with the revision of the regulations and practices in supervising early conditional release and the functioning of the Parole Boards.

In order to enhance professionalism, transparency and accountability of the **Georgian police**, the Ministry of Internal Affairs of Georgia (MIA) has undergone structural reorganisation. In support of this reform process, improving external oversight, handling of complaints against police operations as well as strengthening police officers' integrity and ethical behaviour will remain areas of high priority. Assistance will be provided to the Ministry of Internal Affairs to draft a strategy and a relevant action plan on community policing and on crime prevention. Capacity building of the relevant units within Ministry will be provided on issues such as non-discrimination, effective investigation of hate crime and dealing with vulnerable group of people, including the protection of children rights.

#### **Sources of justification:**

CM Recommendation No. (2010)12 on judges: independence, efficiency and responsibilities; Recommendation No. (2004)4 on the European Convention on Human Rights in university education and professional training; the Opinions of the Consultative Council of European Judges (CCJE) No 1 (2001) and No 3 (2002); CCJE (2003) Opinion No 4 on appropriate initial and in-service training; the European Charter on the Statute for Judges; Report by the CoE Commissioner for Human Rights, following his visit to Georgia, from 20 to 25 January 2014, CommDH(2014)9, 12 May 2014; Preliminary Joint Opinion on the draft Amendments to the Law on the Prosecutor's office of Georgia, CDL-PI(2015)014-e; CM Rec(2010)1 on the Council of Europe Probation Rules; CM Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures; CM Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures; CoE CM Rec(2006)2 on European Prison Rules; CM Rec(2003)22 on conditional release (parole); CM Rec(2001)10 on the European Code of Police Ethics; CM Rec(98)7 concerning Ethical and Organizational Aspects of Healthcare in Prisons; CoE CM Rec(93)6 concerning Prison and Criminological Aspects of the control of Transmissible Diseases including AIDS and related Health Problems in Prison; CM Rec. R (99) 22 concerning prison overcrowding and prison population inflation; 3<sup>rd</sup> General Report of the European Committee for Prevention of Torture [CPT/Inf (93)12] on Health Care Services in Prisons; Case-law of the ECtHR on violation of article 2 and 3 of the ECHR (*Makharadze and Sikharulidze v Georgia* and *Gharibashvili v Georgia*); Georgian Criminal Justice System Strategy and Action Plan for 2013-2018; 2014-2017 Prison Healthcare Development Strategy and Action Plan; UN Rules for the Treatment of Women Prisoners and Non-custodial Sanctions for Women Offenders (Bangkok Rules); CPT reports and recommendations following periodic visits to Georgia.

#### **Overall objective**

To increase the efficiency and effectiveness of the authorities to deliver justice, improve the capacity of legal professionals (judges, prosecutors and lawyers), protect human rights in detention, fight impunity, enhance capacity for social rehabilitation of offenders, support shift from a punitive to a rehabilitative approach to offenders, contribute to establishment of impartial, accountable and community-oriented police force.

#### **II.2. Specific objectives and expected results**

##### **II.2.1. Independence and efficiency of justice**

To enhance the professionalism of the members of the judiciary and court staff, to develop a sustainable basis for modern training of the legal professionals, to increase the independence and effectiveness of the Prosecutor's service, to improve lawyers' ethical standards and professionalism; whereby:

- CoE standards and the recommendations of its advisory and standard-setting bodies (such as the Venice Commission, CCJE, CDCJ,) are reflected in the legislation related to the functioning of the Georgian judiciary; management structure and practices of the courts are modernised;

- System of selection, appointment and promotion of judges is enhanced in line with international standards;
- The concept of the alternative dispute resolution is defined, respective mechanisms are introduced and developed;
- Capacity of the High School of Justice to deliver modern and demand-driven courses for legal professionals is strengthened;
- A new human resources management system and procedures are implemented;
- A quality management system is implemented in the courts;
- Access to modern and comprehensive judicial training is provided to judges, court staff, prosecutors and lawyers;
- The professionalism and transparency of the Prosecutor's Office is improved specifically in application of the ECHR and legal reasoning as well as improved management of the cases and human resources; and
- The Georgian Bar Association enhances its self-governance capacity and fully plays its role in the administration of justice and the protection and promotion of human rights.

The present Action Plan will help to increase the compliance of national legislation and regulations with European standards and CoE recommendations, strengthen the management capacity of the judiciary, develop the Court Service Strategy, assist in further development of the Mediation Centre, and increase compliance of the Code of Professional Ethics for Lawyers practicing in Georgia with European standards. The HSoJ requires further support from CoE to improve judicial training with a view to better meeting the needs of current and future judges and other court staff in the process of initial and in-service training. The main focus should be on quality training delivery as reflected in the HSoJ Strategic and Action Plan for 2014-2018. It will be important to continue co-operation with academia to keep a track of dynamic and ongoing developments in the field of administration and management.

Support to the Prosecutor's Office will include revision of the relevant legislation, training on discriminatory offenses and national minorities, domestic crime, money laundering, property confiscation; training on the spirit of the European Convention for Human Rights to introduce CoE standards;) effective communication with media in order to properly inform society about activities of the Prosecutor's Office and to improve public confidence; and training on investigation expertise and techniques, reasoning skills, cybercrime investigation and human resources management capacity.

The Georgian Bar Association will be supported in bringing relevant regulatory framework in line with the European standards and by transferring best practices in professional ethics, training and management.

### II.2.2. Prisons and police

To build capacity of the penitentiary and probation system to prevent ill-treatment, protect human rights and enhance rehabilitative potential; and to assist Ministry of Internal Affairs in continuing the reform of the police service; whereby:

- Penitentiary legislation, including relevant by-laws, is in line with the CoE standards;
- The penitentiary and police system's capacity to effectively prevent ill-treatment and fight against impunity is improved;
- Provision of healthcare during detention is enhanced;
- Alternatives to imprisonment are promoted thus decreasing the prison population, including the review of legislative framework and practice on parole;
- The Probation Service structure and operations are in line with European best practices;
- Research capacity in penitentiary and probation sectors is enhanced in order to effectively collect and analyse data and provide recommendations for better informed policy decisions;
- Police reforms are supported to establish a more professional, transparent, accountable and community-oriented law enforcement structure;
- The police is able to effectively investigate cases of gender violence, domestic violence, crime against children, hate crime and cases of complaints against police actions as well as to combat impunity and fight corruption within law enforcement.

The CoE will assist in further improving and consolidating results already achieved in establishing **healthier environment in the penitentiary** establishments; improving the mental care of inmates; establishing e-system of medical files; strengthening the professional independence of the medical personnel and the observation of medical confidentiality in closed settings as well as expanding quality control of medical services provided to the inmates. A series of training specialised courses for medical and non-medical staff

as well as professional skills development courses for the prison doctors, nurses and the psychiatrists and mental health centre staff will continue. The focus will be on standard tools for conducting monitoring in the prison healthcare field and identification of the needs of rehabilitation programmes for inmates with a special focus on those with disabilities and dangerous prisoners. Continued strengthening of co-operation with civil society on rehabilitation programmes for inmates will be ensured. The CoE will support the **protection of the rights of those with mental disorders** and the implementation of the Action Plan on Mental Health and addressing the low level of awareness of human rights among the staff of psychiatric institutions through developing the various capacity building and legal and policy framework development activities. Additional training for trainers on CPT standards and ECtHR case law will be among other priorities.

Support to the further development of the probation system in Georgia will include the review of legislation, aligning of the parole system with European standards, the development of specific treatment and pre-release programmes for offenders, in both areas supported with training. It will also cover assistance in developing an e-system for managing pre-sentence reports as well as promoting research activities in offender management and probation field and further strengthen the PPTC capacities in carrying out high quality training for all categories of penitentiary staff.

Through various capacity building measures and further strengthened regulatory and policy framework, the Ministry of Internal Affairs will be supported in continuing the police reform towards a more professional, accountable and transparent service that integrates community policing approach and develops crime prevention.

### III. Strengthening democratic governance

#### III.1. Sector overview and priorities

The Council of Europe and Georgian authorities will focus their co-operation in this sector on the following:

- Improving the **integrity, transparency and quality of the electoral process** both nationally and locally;
- Revision of the national legal, policy and advisory frameworks in order to support the **decentralisation** strategies;
- Strengthening **capacities of the local authorities** and elected representatives in the areas of leadership, public ethics, and best practice; and
- Strengthening **dialogue between central and local authorities**.

##### III.1.1. Elections

Georgia's recent election cycle (2012-2014) was assessed positively by international organisations. The report by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) on the presidential election of October 2013 stated that the "election was efficiently administered and transparent, and took place in an amicable and constructive environment".

In recent years, confidence in the Central Election Commission (CEC) has increased. During the upcoming electoral cycle the CEC will have to continue to demonstrate its professionalism, transparency and independence. Confidence has also increased towards the Political Party Finance Monitoring Department of the State Audit Office, but further strengthening its capacity and public image is still needed.

The Council of Europe has identified four key issues as critical areas: Georgian electoral legislation meeting international standards; women's participation; the youth participation and participation of national minorities; and domestic election monitoring including monitoring of the media coverage.

In 2015, GRECO adopted its Third Evaluation Round Second Compliance Report on Georgia which examined *inter alia* the transparency of the **financing of political parties and election campaigns**. Although the adoption of the new Electoral Code and the amendments to the Law on Political Unions of Citizens were qualified as a welcome development, GRECO concluded that the revision of both laws was not consistent throughout and did not attain the goal of establishing a **uniform and unambiguous legal framework**. Moreover, proper implementation of the legislation is needed in order to ensure its conformity to international standards.

**Women's representation** in Georgian politics is low and should be significantly improved in order to comply with international norms and standards on gender equality. The proportion of women in parliament did increase in the 2012 elections: from 6% in 2008 to 11% in 2012; and the proportion of women in local councils increased from 11 to 11.8% after the municipal elections in 2014. However, the Ombudsman noted that "it is difficult to talk about [equality], when 53 per cent of the country's population are women but their share in the decision-making process does not reach 20 per cent".

As a signatory of the European Charter on Participation of Young People in Local and Regional Life, Georgia has committed itself to actively and increasingly include more young people in decisions and actions at a local and regional level in order to build a more democratic, inclusive and prosperous society. Poor **participation of young people in the electoral process** continues to impede a truly democratic process in Georgia. In light of the potential electoral reform plans ahead of the upcoming elections, it is critical that first time voters be educated on any changes to the voting system. There is also a need to enhance voter participation among minority groups.

The progress of the local NGOs in monitoring of the electoral process is worth noting. To strengthen democratic electoral process in Georgia, the Central Election Commission, local NGOs and the media should be further supported and trained in order to effectively and justly **monitor the electoral process** and carry out **electoral dispute resolution** if need be. These observations are not only limited to the election days, but there is a need for domestic monitoring of the activities of a variety of institutions in the lead up and following elections: for example, the law enforcement, and the media.

### III.1.2. Local democracy

Georgia is party to the European Charter of Local Self-Government (ECLSG). The large-scale reforms of the past decade undertaken by Georgian authorities and supported by the international community have resulted in considerable advancements in the structure and functioning of local and regional democracy and development in Georgia. Yet it is widely agreed that more could still be achieved and improved through further legislative and structural reforms, tailored capacity building programmes in a number of areas, including:

- Further **decentralisation of powers** and resources, fiscal decentralisation and territorial optimisation;
- Improvement of **public ethics** at local level to prevent corruption and promote good governance;
- Development of **institutional leadership** at local level;
- Identification and dissemination of **best practice**, to enable municipalities to learn from each other;
- Further **involvement of communities**, including women, in decision-making processes at local level.

Following the political dialogue initiated with the Georgian authorities during the monitoring of the application of the European Charter of Local Self-Government, which gave rise to recommendation 334 (2013), the Government decided to launch a post monitoring procedure with the Congress in December 2014. This post monitoring programme was concluded on December 18<sup>th</sup>, 2015 with the signature of a road map that defines the implementation modalities of the Congress' recommendations by the end of 2016.

The EU/CoE Joint regional action on Community-led Urban Strategies in Historic Towns (COMUS) was launched in January 2015. The CoE assists authorities in implementing national and local rehabilitation policies of historical heritage, thus contributing to sustainable social and economic development. Further activities to promote heritage protection and conservation as well as landscape preservation, as factors in social and economic development at regional level could be considered.

#### **Sources of justification:**

ECtHR case-law on Article 1 Protocol 3 to the ECHR; PACE Resolution on "The functioning of democratic institutions in Georgia" (PACE Res 2015 (2014)); 3rd Evaluation Round Second Compliance Report on Georgia "Transparency of Party Funding" (GRECO RC-III (2015) 4E); CoE Gender Equality Strategy 2014-2017 ; Congress Recommendation 360(2014) on the observation of local elections in Georgia (15 June 2014); Congress Recommendation 334(2013) on local and regional democracy in Georgia and Roadmap on the implementation of Congress recommendations (signed 18 December 2015).

## Overall objective

To improve the integrity, transparency and quality of the electoral process, both nationally and locally; enhance a decentralised local government system and related legislative framework in line with European standards; improve local political governance in the country and nurture confidence and trust in local and regional authorities.

### III.2. Specific objectives and expected results

#### III.2.1. Elections

To increase capacity of the authorities and civil society to ensure effective implementation of the electoral legislation and practices which leads to increased integrity and quality and increases public interest and trust in the elections process; whereby:

- The process of improving election legislation is facilitated to meet international standards and effective mechanisms to address and remedy electoral disputes are in place;
- The administrative, operational and management capacity of election management bodies is increased (on the Central, District and Precinct Election Commissions level);
- The administrative, operational and management capacity of the Political Party Finance Monitoring Department of the State Audit Office is increased;
- The capacity of domestic election observation organisations to conduct professional election monitoring is increased;
- Women's political participation and capacity of women to engage as candidates and elected officials is enhanced;
- Participation of national minorities and youth (first time voters) in the elections is increased; and
- The capacity of national and regional media to provide professional coverage of elections is increased.

Support to bring **election legislation and practice** closer to the European standards will be provided. Enhancing implementation of the legislation is needed in order to ensure its conformity to international standards. There is a need to support elected women local deputies through training (for example, team building; dealing with difficult people; message development; general management and effective outreach), as well as encouraging women already active at local levels to participate in politics. Activities need to be planned to improve young voters' motivation, as well as improving communication tools with the youth through the use of social media. Moreover, there is also a need to encourage voter participation among the youth in minority groups around Georgia. The Georgian government requires support to use this monitoring to develop its electoral legislation. The Congress will also contribute to gender equality and youth participation in the electoral process.

#### III.2.2. Local democracy

To establish an efficient decentralised local government system in order to promote democracy, good governance and more effective provision of services to citizens; where:

- The regulatory framework is improved according to the European standards;
- Institutional and administrative capacities at local and central level are enhanced; and
- The leadership capacities of potential and recently elected representatives at local level are developed.

The CoE plans to focus its work in the field of local democracy in Georgia in the following areas: strengthening institutional and administrative capacities at local and central level; implementation of the modern capacity building programmes in the areas of leadership, public ethics, and best practice (Leadership Academy, Public Ethics Benchmarking, and Best Practice Programme).

The Congress, in close co-operation with Georgian Central Authorities and with the National Association of Local Authorities of Georgia (NALAG), will provide expertise in **standard-setting, know-how and practice in local political governance**. It is mainly based on a peer-to-peer approach where good practice from other Council of Europe member states that have developed local government reform processes can be shared. Thematic work will cover issues such as the role and responsibilities of local elected representatives, ethics in politics and decision-making, non-discriminatory behaviours against minorities, civic engagement

and citizen participation, local public finances, supervision of local authorities, distribution of powers and responsibilities, etc. In compliance with the Council of Europe Gender Equality Strategy 2014-2017, special attention will be paid to achieving **balanced representation of women and men in political and public life** in particular in view of Presidential (2017) and local (2018) elections.

Georgia will also benefit from participation in the regional joint EU/CoE programme implemented by the Congress of Local and Regional Authorities of Europe and the CoE Centre of Expertise for Local Government Reform which aims: to increase the leadership capacities of local elected representatives; to strengthen the capacity of local authorities by promoting good governance, transparency, accountability, ethical behaviour and ways to prevent and combat corruption; and to foster citizens' participation as a means of reinforcing the accountability of local authorities.

#### **IV. Countering threats to the rule of law: corruption, money-laundering, cybercrime, manipulations of sports competitions**

##### **IV.1. Sector overview and priorities**

The following priority areas for co-operation were identified by the CoE and Georgian authorities in this sector:

- Strengthened **anti-corruption preventive measures** within the public sector/administration;
- Implementation of the **national anti-money laundering and terrorism-financing strategy** and action plan;
- Enhance capacity of national authorities to investigate, prosecute and adjudicate cybercrime;
- Strengthened **capacities of the national sports organisations** (associations) to apply principles and measures to enhance their good governance; and
- Strengthened integrity and transparency in the education system and raised awareness of young people on the corruption risks.

In 2013-2015 the CoE in Georgia has supported the implementation of priorities listed under the National Anti-Corruption Strategy, namely:

- Modernisation of the public sector, with the focus on developing clear and precise public policy, introduction of competitive and merit-based recruitment;
- Improvement and establishment of online services provided by state agencies;
- Further improvements in the public procurement system, including implementation of e-procurement;
- Reforming the public financing system;
- Improvements in tax and customs regimes;
- Increasing competition in the private sector;
- Improving whistle-blower protection; and
- Improving the political party finance system.

Within the framework of the EU/CoE joint regional programmes, Georgia continues to benefit from actions focused on strengthening **anti-corruption measures within public administration**, assisting national anti-corruption policy and oversight bodies in enhancing their capacities, advancing independence and improving capacities of criminal justice institutions assigned to tackle corruption and providing country-specific assistance pursuant to government priorities in the field.

Based on the latest Committee of Experts on the Evaluation of **Anti-Money Laundering Measures and the Financing of Terrorism** (MONEYVAL) assessment report on Georgia, the EU's Progress Report on the implementation of the Visa Liberalisation Action Plan by Georgia and recent recommendations by GRECO the CoE will implement anti-money laundering actions in Georgia.

In 2012, Georgia ratified 2001 CoE Budapest Convention on **Cybercrime**. Currently, Special Cybercrime Unit exists in the Ministry of Internal Affairs that carries out the functions provided by the Convention. In December 2015 an international conference of criminal justice officials and experts on cybercrime "Improving International Cooperation on Cybercrime in the Eastern Partnership Region" took place in Georgia.

The situation of sport in Georgia reflects the situation of countries in transition. Since the beginning of the 90s, significant steps have been successfully achieved, to establish a new structure and organisation of the authorities, to organise the sports movement, to set new rules on the property and management of sport

facilities, and to promote the development of civil society. The key features of the **European Sports Charter** are already being reflected in the Law on Sport and in the Strategy on Sport. However, the European Sport Charter is not yet sufficiently implemented for three main reasons, which can be summarised as a lack of: awareness on the benefits of sport; facilities and of qualified staff.

Georgia has achieved considerable progress in advancing the fight against corruption in its education system, primarily through developing transparent examinations, developing the Code of Ethics for teachers and developing strategic university plans. At the same time, there is a need to strengthen management, reinforce preventive and reporting mechanisms thus contributing to increased transparency in education. There is also a need to raise awareness among young people about existing corruption risks in the field of education.

#### **Sources of justification:**

Latest MONEYVAL assessment report on Georgia; recent recommendations by GRECO; Convention on the Manipulation of Sport Competitions (EST: 215); the EU's Progress Report on the implementation of the Visa Liberalisation Action Plan; the European Sports Charter and the recommendations drafted in the EPAS report (EPAS (2015) 30); Recommendation CM/Rec (2011)10 on promotion of the integrity of sport against manipulation of results, notably match-fixing; Recommendation CM/Rec (2011)3 on the principle of autonomy of sport in Europe; Recommendation Rec (2005)8 on the principles of good governance in sport; Recommendation No. R (92) 13 rev on the revised European Sports Charter; Recommendation CM/Rec (2010) 9 on the revised Code of Sports Ethics; Budapest Convention on Cybercrime; Assessment of the Cybercrime Convention Committee on Mutual Legal Assistance; Recommendation CM/Rec (2012) 13 on ensuring quality education; the Pan-European Platform on Ethics, Transparency and Integrity in Education (ETINED).

#### **Overall objective**

To strengthen institution-building and capacity-development of national stakeholders to fight corruption, money laundering and manipulation in sports.

#### **IV.2. Specific objectives and expected results**

- To reinforce national institutions, to provide policy advice, to co-ordinate and monitor anti-corruption- and good governance-related reforms;
- To assist the authorities in the implementation of the national anti-money laundering and terrorism-financing strategy and action plan;
- To reinforce capacities of national authorities for the investigation, prosecution and adjudication of cybercrime and other offences involving electronic evidence; and
- To support the national and local authorities, as well as sports organisations and other key stakeholders in the implementation of the European Sports Charter;
- To support national authorities in further development and effective implementation of the legislative and institutional frameworks for ensuring integrity and combating corruption in education in Georgia.

The CoE will promote a better understanding of money laundering/terrorism financing at the national and sectorial level and develop mitigating measures. Relevant authorities will be advised on how to reinforce the supervisory and regulatory framework of preventive measures for sectors such as insurance, casinos, lawyers, notaries, dealers in precious metals and stones, real estate agents and NPOs. It will result at enhanced authorities' capacities to investigate, prosecute and adjudicate money laundering and economic crime cases.

With regard to cybercrime and electronic evidence, the CoE will strengthen capacities for investigation, prosecution and adjudication, with a particular focus on public/private cooperation and international cooperation to secure electronic evidence.

In order to promote implementation and application of recommendations adopted by the Council of Europe in the field of good governance in sport by national stakeholders, the CoE will assist the authorities to develop and implement national strategy on combating manipulation of sports competition.

The Council of Europe will assist the national authorities in advancing strategic reforms in the education sector, focusing on its improved transparency and quality through: analysis of the existing corruption risks;

further enhancement of preventive mechanisms, integration of the transparency principles into the curricula and administrative procedures of the educational institutions and awareness-raising. Through active participation in the Council of Europe Pan-European Platform on Ethics, Transparency and Integrity in Education, Georgia will also be able to exchange information and share examples of good practices and contribute to improved quality of its education system.

## **V. Confidence-building measures**

### **V.1. Sector overview and priorities**

Since the 2008 conflict in Georgia, the Secretary General has submitted biennial reports to the Committee of Ministers on the consequences of the conflict for human rights situation in the region. One chapter of this report is devoted to confidence-building measures (CBMs) implemented over the reference period of the report and planned for the following semesters. The main reference texts on which they are based are the following instruments: ECHR, Framework Convention for the Protection of National Minorities (FCNM), ESC, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and Istanbul Convention.

Activities implemented so far have allowed the development of contacts among decision-makers and relevant networks of professionals which constitutes a serious basis on which to build a more detailed and ambitious programme.

The CoE has a double advantage: firstly, as the main human rights organisation in Europe, it has a wide expertise in setting and monitoring human rights standards from which good practices can be drawn for the region and, secondly, its membership covers all the countries of the region. The regular reporting to the CM allows for political backing of the CBMs by these countries.

#### **Overall objective**

To enhance dialogue between relevant professional groups from divided communities with a view to improve human rights awareness in the conflict-affected regions.

### **V.2. Specific objectives and expected results**

- To support the work of public defenders in places of detention;
- To enhance access to quality healthcare for the population living in the region;
- To strengthen the capacity of civil society in preventing and combating violence against women and children, including domestic violence;
- To support and develop the work of the Ombudspersons to raise awareness about human rights in the region;
- To enhance skills and share experience among local professionals in such areas as conservation of cultural and architectural heritage, multicultural approach to language learning, cooperation and exchanges between media outlets and journalists, awareness and respect of rights of disabled persons.

The CoE action to support dialogue in the conflict affected regions of Georgia on human rights issues started in 2010 and has grown in scope as well as in coherence, reaching out to several new areas. The main institutional partner in Georgia is the Office of State Ministry for Reconciliation (SMR) but a separate segment has been developed in co-operation with the Public Defender Office (PDO) since November 2014 to address specific human rights issues as identified by the PDO in its daily work.

These activities heavily rely on the participation of civil society representatives from both sides and their experience in addressing human rights issues brought to their attention by the population with which they are constantly in contact. Civil society representatives from both sides have been actively co-operating with the Council of Europe Secretariat on the development of this initiative over the past two years.

Activities take place mostly outside the region with the exception of some training seminars or information sessions. The CoE Offices in other member states are used to provide logistical support and technical input in terms of good practices, notably in the Balkans.



Activities are organised as trainings, round tables, study visits and have a number of features in common:

- an equal number of participants appointed by Tbilisi and Sukhumi according to a profile proposed by the Secretariat;
- participation of experts selected by the Secretariat among the CoE experts in the field addressed by the meeting;
- the programme of each event is agreed by both sides and if applicable include presentations by local experts from both groups of participants; and
- follow-up is agreed by participants and presented by the Secretariat via the above-mentioned channels to the Georgian authorities and the *de facto* leaders.

## **Addendum 1. Project “CoE’s Action Plan and Project Management Capacity Development for National Stakeholders”**

### **Short description**

The project is carried out in co-operation with the Ministry of Foreign Affairs to ensure optimal implementation of the CoE Action Plan for Georgia 2016-2019. It aims to develop capacities in planning and managing for results of the national and local counterparts involved in the implementation of the Action Plan. The project will also include a specific component aimed at increasing the level of public awareness of initiated reforms which coincide with the national commitments to the Council of Europe.

### **Overall objective**

To establish the Action Plan for Georgia as a results-based management tool through training and coaching programmes for national stakeholders.

### **Specific objectives**

- To develop a common approach to and understanding of project management, fundraising, monitoring and evaluation among all Action Plan stakeholders;
- To support the national counterparts’ ownership and commitment to implement the Action Plan; and
- To support national counterparts in assessing the evaluation and reporting of the Action Plan on the implementation of Georgia’s commitments towards the Council of Europe as well as on reaching out to society at large on the objectives and results of the reform process.

### **Expected results**

- Upon completion of the training programme, national stakeholders will have a detailed understanding of the system of monitoring and risk management of the Action Plan, and will be able to use different tools to manage the Action Plan at programme level and to present relevant assessments and reports;
- The communication on design, implementation and evaluation of the Action Plan between CoE managers and national stakeholders is facilitated;
- The continuity of expertise among local stakeholders is sustained through a group of managers who have practical knowledge of the CoE’s Action Plan management requirements and practice upon completion of the training; and
- Improved overall awareness of civil servants, law enforcements agents, other beneficiaries and the general public of the reform process in Georgia.

## Appendix I: Synopsis of the Council of Europe Action Plan for Georgia 2016-2019

**Overall objectives** The Council of Europe supports Georgia in fulfilling its obligations as a member state of the Organisation, in consolidating the country's achievements since its accession in 1999, and in meeting new challenges as a Council of Europe member state. The Organisation remains committed to supporting Georgia's domestic reform in the key areas of expertise of the Council of Europe: human rights, the rule of law and democracy.

<b>Key sectors of intervention</b>				
<b>Protection and promoting human rights and dignity, ensuring social rights</b>	<b>Ensuring justice</b>	<b>Strengthening democratic governance</b>	<b>Countering threats to the rule of law: corruption, money-laundering, cybercrime, manipulations of sports competitions</b>	<b>Confidence-building measures</b>
<b>Sector Objectives</b>				
To bring the legislation and practices in Georgia closer to the Council of Europe standards in the area of human rights promotion and protection, including social rights.	To increase the independence, efficiency and effectiveness of the judiciary, improve the capacity of legal professionals, protect human rights during detention, enhance the capacity for social rehabilitation of offenders, support a shift from a punitive to a rehabilitative approach to offenders, contribute to the establishment of an impartial, accountable and community-oriented police force.	To improve the integrity, transparency and quality of the electoral process, both nationally and locally; enhance decentralised local government system and related legislative framework in line with European standards; improve local political governance in the country and nurture confidence and trust in local and regional authorities.	To strengthen institution-building and capacity-development of national stakeholders to fight corruption, money laundering, cybercrime and manipulation in sports.	To enhance dialogue between the Ombudspersons in Tbilisi and Sukhumi to promote human rights in the conflict affected regions.

Expected Results of Sector				
<p><b>Effective implementation of European human rights standards at national level</b></p> <ul style="list-style-type: none"> <li>- The implementation of European Human Rights standards at national level is strengthened;</li> <li>- The reasoning of the court decisions is enhanced.</li> </ul> <p><b>Tolerance and anti-discrimination</b></p> <ul style="list-style-type: none"> <li>- The protection of national minorities and promotion of their rights and languages in accordance with European standards is improved;</li> <li>- The national and local authorities as well as minority associations are supported in the implementation of the ECRML.</li> </ul> <p><b>Freedom of expression, media freedom, assistance in implementation of internet governance principles, data protection</b></p> <ul style="list-style-type: none"> <li>- Freedom, independence, pluralism and diversity of media, national legislation and/or policy related to Internet governance are brought in line with European Convention on Human Rights and relevant Council of Europe standards;</li> <li>- National legislation on freedom, independence, pluralism and diversity of media and/or policy related to Internet governance are</li> </ul>	<p><b>Independence and Efficiency of Justice</b></p> <ul style="list-style-type: none"> <li>- CoE standards and the recommendations of its monitoring and standard-setting bodies (such as the Venice Commission, CCJE, CDCJ,) are reflected in the legislation related to the functioning of the Georgian judiciary;</li> <li>- The system of accountability of judges in Georgia meet the requirements of the standards and recommendations of the Council of Europe;</li> <li>- Capacity of the High School of Justice to deliver modern and demand-driven courses for legal professionals is strengthened;</li> <li>- The professionalism of the judiciary and court staff is enhanced;</li> <li>- Independence and transparency of the courts is further developed;</li> <li>- A sustainable basis for modern training of the legal professionals is developed;</li> <li>- Independence and effectiveness of the Prosecutor's service is increased;</li> <li>- Lawyers' ethical standards and professionalism are enhanced;</li> <li>- The capacity of the penitentiary and probation system to prevent ill-treatment, protect human rights and enhance rehabilitative potential is developed.</li> </ul>	<p><b>Elections</b></p> <ul style="list-style-type: none"> <li>- Legislation on elections and/or political parties is amended to meet international standards;</li> <li>- Effective mechanisms to address and remedy electoral disputes are in place;</li> <li>- Better functioning of the electoral administration is ensured, in particular through the normative instructions of the Central Electoral Commission and in the settlement of disputes;</li> <li>- The integrity, transparency and quality of the electoral process is improved both nationally and locally;</li> <li>- Participation of women, youth and minorities in the election process is increased;</li> <li>- Elections receive professional coverage from national and regional media;</li> </ul> <p><b>Local democracy</b></p> <ul style="list-style-type: none"> <li>- The decentralisation strategy is supported through revision of the national legal, policy and advisory frameworks;</li> <li>- The skills, knowledge and expertise of the local authorities and elected representatives are strengthened in the areas of leadership, public ethics, and best practice; and</li> <li>- Co-operation between central and local authorities is enhanced;</li> </ul>	<ul style="list-style-type: none"> <li>- The national institutions capacity to provide policy advice, to co-ordinate and monitor anti-corruption- and good governance-related reforms is reinforced;</li> <li>- The national anti-money laundering and terrorism-financing strategy and action plan implementation by the authorities is supported;</li> <li>- National authorities carry out more successful investigations and prosecutions of cybercrime and other cases involving electronic evidence leading to adjudication; and</li> <li>-The national and local authorities as well as sport movement and other key stakeholders are supported in implementation of the European Sports Charter.</li> </ul>	<ul style="list-style-type: none"> <li>- The contacts between people and professional groups intensify thus creating a context conducive to confidence building in the region;</li> <li>- The work of public defenders in places of detention is supported;</li> <li>- The access to quality health care for the population living in the region is enhanced;</li> <li>- The capacity of civil society in preventing and fighting violence against women and children, including domestic violence is developed; and</li> <li>- The work of the Ombudspersons to raise awareness about human rights in the region is supported.</li> </ul>

<p>brought in line with the European Convention on Human Rights and relevant Council of Europe standards.</p> <p><b>Gender equality, combating violence against women, children and domestic violence</b></p> <ul style="list-style-type: none"> <li>- Public awareness of the implementation process of the Istanbul Convention is supported;</li> <li>- A co-ordinated approach to prevent and combat violence against women and domestic violence is enhanced;</li> <li>- The legal and policy framework to eliminate all forms of violence against children is strengthened.</li> </ul> <p><b>Education for Democratic Citizenship and Human Rights Education</b></p> <ul style="list-style-type: none"> <li>- Integration and/or further development of education for democratic citizenship and human rights education in the national education system are supported.</li> </ul>	<p><b>Prisons and Police</b></p> <ul style="list-style-type: none"> <li>- The Ministry of Internal Affairs is assisted in establishing an impartial, accountable, the community-oriented and transparent law enforcement structure;</li> <li>- Prevention of ill-treatment and fighting impunity by the police are strengthened.</li> </ul>	<ul style="list-style-type: none"> <li>- The capacity for the transparent and participatory decision making of the local governments of the historic towns is improved;</li> <li>- The local authorities of the historic towns are equipped with the tools for sustainable local development;</li> <li>- The heritage, and landscape resources are promoted as factors for cultural dialogue and socio-economic development;</li> <li>- Local communities are actively involved in decision-making processes.</li> </ul>		
<b>Outcome indicators</b>				
<ul style="list-style-type: none"> <li>- The time frame and coverage of national policy to protect human rights, including social rights and rights of persons belonging to minorities;</li> <li>- Individual and general measures required to be adopted by the respondent State to prevent further violations of a similar nature as</li> </ul>	<ul style="list-style-type: none"> <li>- The time to complete the court process, from charges being laid to case disposal;</li> <li>- The number of applications presented to the ECtHR on violation of the article 3 of the ECHR related to the inadequate medical treatment in prisons;</li> <li>- The percentage of non-</li> </ul>	<ul style="list-style-type: none"> <li>- The conformity of election laws and regulations to international standards;</li> <li>- Shortcomings are identified in the electoral legislation and practice, as well as in legislation concerning political parties;</li> <li>- The existence of normative instructions of the Central</li> </ul>	<ul style="list-style-type: none"> <li>- Reformed policy and regulatory framework on anti-corruption measures is in line with relevant GRECO recommendations and based on international good practice standards;</li> <li>- Compliance with relevant country-related MONEYVAL recommendations is increased;</li> </ul>	<ul style="list-style-type: none"> <li>- The number of active participants and proportion of the population reached by the activities on both side;</li> <li>- Public awareness of human rights;</li> <li>- The proportion of the prison population having access to healthcare in prisons; and</li> <li>- The number of cases of</li> </ul>

<p>per judgments of the ECtHR;</p> <ul style="list-style-type: none"> <li>- Number of measures taken to promote minority languages in key areas such as education, media and culture in conformity with the ECRML;</li> <li>- Proportion of persons belonging to national minorities having access to education and media in their own language;</li> <li>- Number of journalists and any other media persons who report sanctions and political or corporate pressure for the publication of information;</li> <li>- Reported cases of non-disclosure of documents, archives and administrative or corporate data of public interest;</li> <li>- Adequate training on multi-agency co-operation for all relevant authorities, including a police training programme to respond and investigate effectively cases of violence against women and domestic violence is developed;</li> <li>- Identified legal and policy implementation gaps on child protection against violence and related measures taken by Georgia to address those;</li> <li>- The proportion of young people having access to formal or informal EDC/HRE.</li> </ul>	<p>custodial versus custodial sentences imposed;</p> <ul style="list-style-type: none"> <li>- Changes in the social circumstances, job stability and satisfaction of the persons on probation;</li> <li>- The percentage of respondents who feel satisfied with policing mechanisms; and</li> <li>- Sufficient length and high quality of training for police officers, including on-the job training, is ensured.</li> </ul>	<p>Election Commission which are disseminated to lower election commissions;</p> <ul style="list-style-type: none"> <li>- The existence of capacity building strategy and plans, development of training material for election management bodies;</li> <li>- The proportion of women, youth and minorities participating in the election process;</li> <li>- The existence of the legal, policy and regulatory framework on local government in general and on inter-municipal co-operation (IMC) in particular, which is based on European best practice standards;</li> <li>- The existence of capacity building strategy and plans, development of training material for the representatives of the authorities and elected representatives; and</li> <li>- Local administrative capacity will be adequate to deliver improved services.</li> </ul>	<p>and</p> <ul style="list-style-type: none"> <li>- Key stakeholders in national and local authorities as well as in sport movement adopt best-practice anti-corruption measures which lead to greater transparency in anti-corruption investigations.</li> </ul>	<p>violence against women reported and successfully investigated.</p>
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<b>Expected impact on final beneficiaries</b>				
<ul style="list-style-type: none"> <li>- Citizens enjoy better protection of their fundamental rights thanks to effective institutional mechanisms and better use of European human rights standards by investigators and legal professionals; and</li> <li>- Citizens have better access to mechanisms and tools for the protection of their rights;</li> <li>- Minority language speakers have more opportunities to use their language in key areas such as education, media and culture.</li> </ul>	<ul style="list-style-type: none"> <li>- Citizens feel safer and have an increased trust in law enforcement institutions and structures to protect their freedoms and rights;</li> <li>- Court efficiency is improved; users of the courts experience acceleration in the delivery of justice;</li> <li>- Prisoners' rights are better respected through more humane and efficient management of penal institutions;</li> <li>- Relapse and recidivism of former prisoners are reduced;</li> <li>- Public perception of the police and its role in the community is improved.</li> </ul>	<ul style="list-style-type: none"> <li>- The conformity of the electoral process with international standards is improved, to the benefit of electoral stakeholders, including citizens at large;</li> <li>- Locally elected governments are more responsive to their citizens' preferences when designing service provision and allocating resources; and</li> <li>- Citizens have a better system for articulating their needs and wants and will be able to hold officials to account over breaches in service.</li> </ul>	<ul style="list-style-type: none"> <li>- Successfully implemented anti-corruption and anti-money-laundering measures contribute to full enjoyment of human rights, in particular economic, social and cultural rights.</li> </ul>	<ul style="list-style-type: none"> <li>- Increased confidence and trust of people across conflict lines.</li> </ul>
<b>Detailed priorities</b>				
<p><b><i>Effective implementation of European human rights standards at national level</i></b></p> <ul style="list-style-type: none"> <li>- Human rights policies and practice are aligned with European standards by ensuring compliance of legislative and regulatory frameworks;</li> <li>- The skills, competencies and abilities of legal professionals as well as organisational structures and methods of the National Human Rights Institutions are strengthened, including the reinforcement of Ombudsmen/Human Rights Defender Offices;</li> <li>- The new provisions of the Revised European Social Charter are ensured, national capacity to implement</li> </ul>	<p><b><i>Independence and Efficiency of Justice</i></b></p> <ul style="list-style-type: none"> <li>- Relevant laws are brought in line with the European standards;</li> <li>- Management structures and practices are modernised;</li> <li>- A system of quality management is implemented in courts;</li> <li>- Professionalism and transparency of the Prosecutor's Office is improved, specifically in application of the ECHR; and</li> <li>- The Georgian Bar Association strengthens its self-governance to fully serve the interests of the justice and its capacity to deliver professional training to lawyers is increased.</li> </ul>	<p><b><i>Elections</i></b></p> <ul style="list-style-type: none"> <li>- Electoral legislation is amended in order to be in conformity with international standards, as reflected in particular in previous Venice Commission opinions;</li> <li>- The skills, impartiality and professionalism of election management bodies and judges in charge of electoral disputes are improved;</li> <li>- The skills, competences and abilities of domestic election observation organisations to conduct professional election monitoring is increased;</li> <li>- Women's political participation and capacity of women to engage as candidates and elected officials is enhanced;</li> </ul>	<ul style="list-style-type: none"> <li>- Anti-corruption preventive measures within the public sector/administration are strengthened;</li> <li>- The national anti-money laundering and terrorism-financing strategy and action plan are implemented;</li> <li>- Provisions of the Budapest Convention and results of assessments of the Cybercrime Convention Committee are implemented; and</li> <li>- The skills, competencies and abilities of the national sports organisations (associations) to apply principles and measures to enhance their good governance are strengthened.</li> </ul>	<ul style="list-style-type: none"> <li>- Address specific human rights issues as identified by the PDOs;</li> <li>- Activities take place mostly outside the region with the exception of some training seminars or information sessions in Abkhazia;</li> <li>- Civil society representatives from both sides take active part in the activities; and</li> <li>- The CoE Offices in other member States are used to provide logistical support and technical input in terms of good practices.</li> </ul>

<p>accepted provisions is increased and social dialogue on the Charter is put in practice;</p> <ul style="list-style-type: none"> <li>- Human rights awareness of the general public is enhanced;</li> </ul> <p><b>Tolerance and anti-discrimination</b></p> <ul style="list-style-type: none"> <li>- The capacity of the relevant national authorities to ratify and implement the ECRML is enhanced and a dialogue between authorities and minority associations about the ECRML is established</li> <li>- Effective and evidence-based policies on integration and protection of national minorities are put in place;</li> <li>- The language standards for both for national minorities has been developed.</li> </ul> <p><b>Freedom of expression, media freedom, assistance in implementation of internet governance principles, data protection</b></p> <ul style="list-style-type: none"> <li>- The compliance of national legal frameworks and policies with CoE standards on freedom of expression is increased;</li> <li>- Professionalism, responsibility and respect of ethical rules among journalists is improved;</li> <li>- Internet freedom is protected through legislation and arrangements for multi-stakeholder dialogue; and</li> <li>- Data protection legislation is enhanced and effectively implemented to ensure the</li> </ul>	<p><b>Prisons and Police</b></p> <ul style="list-style-type: none"> <li>- The penitentiary system's capacity to effectively prevent ill-treatment is improved and the fight against impunity;</li> <li>- Provision of health care during detention is enhanced;</li> <li>- Alternatives to imprisonment are promoted thus decreasing the prison population;</li> <li>- The police is able to effectively investigate cases of gender violence, domestic violence, crime against children, hate crime and cases of complaints against police actions as well as to fight corruption within law enforcement.</li> </ul>	<ul style="list-style-type: none"> <li>- Participation of ethnic minorities and youth (first time voters) in the elections is increased; and</li> <li>Capacity of national and regional media in providing professional coverage of elections is increased.</li> </ul> <p><b>Local democracy</b></p> <ul style="list-style-type: none"> <li>- The regulatory framework is improved according to European standards;</li> <li>- Institutional and administrative capacities at local and central level are enhanced; and</li> <li>- The leadership capacities of potential and recently elected representatives at local level are developed.</li> </ul>		
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<p>right to privacy</p> <p><b><i>Gender equality, combating violence against women, children and domestic violence</i></b></p> <ul style="list-style-type: none"> <li>- Development of a co-ordinated (multi-agency) approach to prevent and combat violence against women and domestic violence</li> <li>- Compliance with the relevant CoE conventions and instruments that aim at ensuring the right of the child to freedom from all forms of violence is strengthened; and</li> <li>- An integrated national strategy aimed at safeguarding the rights of the child and protecting children from violence is developed and promoted.</li> </ul> <p><b><i>Education for Democratic Citizenship and Human Rights Education</i></b></p> <p>EDC/HRE is extended to a wider range of target groups, introducing relevant courses to formal and non-formal education at different levels (from secondary to high schools).</p>				
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## Appendix II: FINANCIAL TABLE

TOTAL ACTION PLAN BUDGET: 25,377,269 €

SECTORAL AREAS		SECTORAL TOTALS	FUNDS SECURED				ADDITIONAL FUNDS REQUIRED
			ORDINARY BUDGET*	EU/COE JOINT PROGRAMMES	VOLUNTARY CONTRIBUTIONS**	TOTAL	
I.	Protecting and promoting human rights and dignity, ensuring social rights	6,209,075 €	147,869 €	1,330,824 €	270,833 €	1,749,526 €	4,459,549 €
II.	Ensuring justice	10,137,384 €	125,892 €	1,133,090 €		1,258,982 €	8,878,402 €
III.	Strengthening democratic governance	4,799,308 €	66,331 €	452,977 €		519,308 €	4,280,000 €
IV.	Countering threats to the rule of law: corruption, money-laundering, cybercrime, manipulations of sports competitions	3,429,001 €	75,400 €	678,602 €		754,002 €	2,674,999 €
V.	Confidence-building measures	749,000 €					749,000 €
	CoE's Action Plan and Project Management Capacity Development for National Stakeholders	53,500 €					53,500 €
	Action Plan level unearmarked funding				180,000 €	180,000 €	
	<b>TOTAL</b>	<b>25,377,269 €</b>	<b>415,492 €</b>	<b>3,595,493 €</b>	<b>450,833 €</b>	<b>4,461,818 €</b>	<b>20,915,451 €***</b>

Note:

\*Includes CoE contribution to the joint EU/CoE projects

\*\*Voluntary contributions from Norway and Human Rights Trust Fund

\*\*\*Takes into account secured unearmarked funding.

### APPENDIX III. PROVISIONAL LIST OF PROJECTS

(to be complemented in the course of the implementation of the Action Plan, within the budget allocation per sector)

Project title	Duration	Status	Funding status and source	Main Partners
<b>I. PROTECTING AND PROMOTING HUMAN RIGHTS</b>				
<b>I. 1. Effective implementation of European human rights standards at national level</b>				
<i>Country-specific projects</i>				
Support Judicial System of Georgia	36 months	Proposed	Funding required	Supreme Court of Georgia and other courts of different levels
Awareness raising and capacity building for Georgian lawyers in European standards of human rights	30 months	Proposed	Funding required	Georgian Bar Association
Ensuring the independence and efficiency of the Prosecutor's Office: increasing application of ECHR case law by the Prosecutor's Office on a national level and periodic training of prosecutors regarding legislative innovations and practical skills	24 months	Proposed	Funding required	Prosecutor's Office
Human Rights Academy of Public Defender (Ombudsman) of Georgia	12 months	Proposed	Funding required	Public Defender's Office, Ministry of Education and Science of Georgia
Support to the Public Defender's Office in addressing the situation of refugees, asylum seekers and humanitarian status holders	24 months	Proposed	Funding required	Public Defender's Office, Ministry of IDPs from the Occupied Territories, Accommodation and Refugees and UNHCR
Support to the Parliament of Georgia to develop its role in the control of the implementation of the ECHR judgments	24 months	Proposed	Funding required	Parliament of Georgia
Improving the operational capacities of the Public Defenders' Office of Georgia	24 months	Ongoing	Funding secured	

Application of the European Convention on Human Rights and harmonisation of national legislation and judicial practice in Georgia in line with European Standards in Georgia	24 months	Ongoing	Funding secured (PCF)	Ministry of Justice, Prosecutor's Office and Georgian Bar Association
<b>Regional projects</b>				
Civil participation in decision making in the region	16 months	Ongoing	Funding secured (PCF)	
Support the full execution of the European Court of Human Rights judgments and build the capacity of EaP national parliaments towards greater conformity of national legislation with the European Social Charter”	36 months	Ongoing	Funding secured (PCF)	
<b>I.2. Tolerance and anti-discrimination policies</b>				
Support for the effective and comprehensive implementation of Georgia's Civic Equality Strategy and Action Plan	60 months	Proposed	Funding required	Office of the State Minister for Reconciliation and Civic Equality; State Interagency Commission; line Ministries; and local authorities
Implementation of the European Charter for Regional or Minority Languages (ECRML) in Georgia	24 months	Proposed	Funding required	Relevant state agencies
Civic Integration of National Minorities in Georgia and the European Charter for Regional or Minority Languages (ECRML)	24 months	Ongoing	Funding secured (PCF)	Office of the State Minister for Reconciliation and Civic Equality
<b>Regional projects</b>				
Improving women's access to justice in 5 EaP countries	24 months	Ongoing	Funding secured (PCF)	

<b>I.3. Freedom of expression, media freedom, assistance in implementation of internet governance principles, data protection</b>				
Strengthening data protection in Georgia	24 months	Proposed	Funding required	Office of the Personal Data Protection Inspector, High School of Justice, Georgian Bar Association
Promoting freedom, professionalism and pluralism of the media	36 months	Ongoing	Funding secured (PCF)	Public media, National Communications Commission and universities
Protecting internet freedom through legislation and arrangements for multi-stakeholder dialogue	18 months	Ongoing	Funding secured (PCF)	National Communications Commission , internet providers
<b>I.4. Gender equality, combatting violence against women, children and domestic violence</b>				
Strengthening legal and policy framework to eliminate all forms of violence against children	12 months	Proposed	Funding required	Ministry of Justice of Georgia, Ministry of Labour, Health and Social Affairs of Georgia
Council of Europe Convention on preventing and combating violence against women and Violence against women Fund	24 months	Ongoing	Funding required	Interagency Council for the Prevention of Domestic Violence and Public Defender's Office
<b>Regional projects</b>				
Promote professional and responsible journalism by supporting regional network of self-regulatory bodies	36 months	Ongoing	Funding secured (PCF)	
Awareness raising on the role of national parliaments in matters related to public broadcasting, access to public media and safety of journalists	24 months	Ongoing	Funding secured (PCF)	
Enhancing respect for the protection of human rights online through capacity building, regional co-operation and participation to global Internet governance policies shaping”	18 months	Ongoing	Funding secured (PCF)	
Enhance the right to data protection	36 months	Ongoing	Funding secured (PCF)	

<b>I.5. Education for Democratic Citizenship and Human Rights Education</b>				
Education for Democratic Citizenship and Human Rights Education	36 months	Proposed	Funding required	Ministry of Education, Ministry of Sport and Youth Affairs, Public Defender's Office
Education for Democratic Citizenship and Human Rights in the 6 countries of the region	36 months	Ongoing	Funding secured (PCF)	Ministry of Education
<b>II. ENSURING JUSTICE</b>				
<b>I. 1. Independence and efficiency of Justice</b>				
Strengthening the capacity of the High School of Justice of Georgia	18 months	Proposed	Funding required	High School of Justice, national NGOs and international organisations present in Georgia
Support to the implementation of the judicial reform in Georgia	24 months	Proposed	Funding required	High Council of Justice of Georgia and High School of Justice
Support to the Georgian Bar Association	18 months	Ongoing	Funding secured (PCF)	Georgian Bar Association
<b><i>Regional projects</i></b>				
Justice system reform	24 months	Ongoing	Funding secured (PCF)	
Strengthening constitutional justice	36 months	Ongoing	Funding secured (PCF)	

<b>II. 2. Prisons and Police</b>				
Support to police reform	36 months	Proposed	Funding required	Ministry of Internal Affairs (MIA) and its training institutions, Ministry of Justice and Prosecutor's Office
Successful social re-integration of persons released from prison	36 months	Proposed	Funding required	Ministry of Corrections of Georgia
Strengthening capacity on implementation of the new Criminal Code on Juveniles	24 months	Proposed	Funding required	Ministry of Corrections of Georgia; Ministry of Justice; High School of Justice; Penitentiary and Probation Training Centre; and National Probation Agency
Further assistance to the prison health care reform in Georgia	18 months	Ongoing	Funding secured (PCF)	Ministry of Corrections of Georgia, Penitentiary and Probation Training Centre and National Probation Agency
Human rights and healthcare in prisons and other closed institutions	35 months	Ongoing (ending Feb 2016)	Funding secured	Ministry of Corrections of Georgia, Penitentiary and Probation Training Centre and National Probation Agency
<b><i>Regional projects</i></b>				
Promoting penitentiary reforms (from a punitive to a rehabilitative approach)	36 months	Ongoing	Funding secured (PCF)	
Criminal Justice Responses to Drug Dependent Prisoners	36 months	Ongoing	Funding secured (PCF)	
<b>III. STRENGTHENING DEMOCRATIC GOVERNANCE</b>				
<b>III. 1. Integrity, transparency and quality of the electoral process</b>				
Reform of the electoral practice in Georgia	36 months	Proposed	Funding required	Central Election Commission of Georgia and State Audit Office of Georgia
Electoral assistance to the election stakeholders in Georgia	36 months	Ongoing	Funding secured (PCF)	Central Election Commission of Georgia and local NGOs

<b>Regional projects</b>				
Regional co-operation in electoral matters, including its Parliamentary dimension	36 months	Ongoing	Funding secured (PCF)	
<b>III. 2. Institutional and legal mechanisms for regional and municipal development</b>				
Strengthening the administrative capacities of Georgian local authorities (2015-2018)	36 months	Proposed	Funding required	Ministry of Regional Development and Infrastructure of Georgia and National Association of Local Authorities of Georgia (NALAG)
Strengthening the leadership capacities of local elected representatives and local communities	36 months	Proposed	Funding required	Georgian central authorities and National Association of Local Authorities of Georgia (NALAG)
Legal assistance to the decentralisation reform and capacity-building for central, local and regional authorities of Georgia	36 months (2015-2018)	Proposed	Funding required	Ministry of Regional Development and Infrastructure of Georgia; National Association of Local Authorities of Georgia (NALAG); other international organisations (UNDP, EU, etc.)
Empowering local and regional communities to protect and promote cultural heritage (LoRDeP)	36 months	Proposed	Funding required	Ministry of Regional Development and Infrastructure, Ministry of Culture and Monuments Protection, Ministry of Economy and Sustainable Development
Community Led Urban Strategies in Historic Towns	30 months	Ongoing	Funding secured	Ministry of Culture and Monuments Protection
<b>Regional projects</b>				
Enhancing local democracy	36 months	Ongoing	Funding secured (PCF)	



<b>IV. COUNTERING THREATS TO THE RULE OF LAW: CORRUPTION, CYBERCRIME, MONEY-LAUNDERING, MANIPULATIONS OF SPORT COMPETITIONS</b>				
<b>IV. 1. Fight against corruption, cybercrime and money-laundering</b>				
Fight against corruption	36 months	Proposed	Funding required	Relevant state agencies
Capacity building on cybercrime and electronic evidence	36 months	Proposed	Funding required	Criminal justice authorities, judicial training institutions and Internet service providers
Strengthening Integrity and combatting corruption in the education system in Georgia	36 months	Proposed	Funding required	Ministry of Education and Science, public universities, civil society
Strengthening the Anti-money laundering measures in Georgia	36 months	Ongoing	Funding secured (PCF)	Ministry of Interior, Ministry of Justice, Ministry of Finance
<b><i>Regional projects</i></b>				
Fight against corruption and fostering good governance; Fight against money-laundering	36 months	Ongoing	Funding secured (PCF)	
Criminal Justice action on Cybercrime	36 months	Ongoing	Funding secured (PCF)	
<b>IV. 2. Sport and Integrity</b>				
Promoting good governance in sport through strengthening capacity of stakeholders	12 months	Proposed	Funding required	Ministry of Sport and Youth Affairs of Georgia; Georgian National Olympic Committee; University of Physical Education and Sport of Georgia; Sports Conventions Division of the Council of Europe

Promotion of the European Sport Charter on national and local level: Support implementation of the recommendations prepared by the EPAS Consultative Team in the scope of the visit to Georgia	24months	Proposed	Funding required	Ministry of Sport and Youth Affairs of Georgia; Ministry of Labour, Health and Social Affairs of Georgia; Ministry of Education and Science of Georgia; Ministry of Infrastructure and Regional Development; Local and municipal authorities; University of Physical Education and Sport of Georgia; Georgian National Olympic Committee; Sports federations / associations; and Sports Conventions Division of the Council of Europe, EPAS
<b>V. CONFIDENCE-BUILDING MEASURES</b>				
Confidence-Building Measures (CBMs)	24 months	Proposed	Funding required	Public Defender's Office of Georgia and State Ministry for Reconciliation and Equality
<b>COE'S ACTION PLAN AND PROJECT MANAGEMENT CAPACITY</b>				
Capacity building on the CoE PMM for national stakeholders	12 months	Proposed	Funding required	All major national partners

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